

COUNTY NOTICES PURSUANT TO A.R.S. § 49-112

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**NOTICE OF FINAL RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
REGULATION I
RULE 100 – GENERAL PROVISIONS AND DEFINITIONS
APPENDICES
APPENDIX G - INCORPORATED MATERIALS**

[M06-202]

PREAMBLE

- 1. Sections Affected**

<u>Sections Affected</u>	<u>Rulemaking Action</u>
Rule 100 § Index	Amend
Rule 100 § 100	Amend
Rule 100 § 200	Amend
Rule 100 § 400	Amend
Rule 100 § 500	Amend
Appendix G - Incorporated Materials	New Appendix
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):**

Authorizing statutes: Arizona Revised Statutes (ARS) § 49-112(A), § 49-476.01(A), § 49-476.01(B) and § 49-479

Implementing Statute: Arizona Revised Statutes (ARS) § 49-479
- 3. The effective date of the rules:**

Date of adoption by the Board of Supervisors: March 15, 2006
- 4. A list of all previous notices appearing in the *Register* addressing the final rule:**
 - a. Notice of Rulemaking Docket Opening: 11 A.A.R. 4394, November 4, 2005
 - b. Notice of Proposed Rulemaking: 11 A.A.R. 4797, November 14, 2005
- 5. The name and address of department personnel with whom persons may communicate regarding the rulemaking:**

Name: Hilary R Hartline or Jo Crumbaker, Maricopa County Air Quality Dept.
Address: 1001 North Central Avenue, Suite # 695, Phoenix, AZ 85004
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- 6. An explanation of the rule, including the department's reasons for initiating the rule:**

Background

Maricopa County is required to incorporate changes promulgated by the Environmental Protection Agency (EPA) in 40 Code of Federal Regulations (CFR) into the Maricopa County Air Pollution Control Regulations. Maricopa County initiated this rulemaking in response to recent notices published by the EPA in the Federal Register (FR).

Summary

Maricopa County is amending Rule 100, General Provisions and Definitions. Rule 100 includes definitions, administrative requirements, requirement for emissions statements and data reporting and other general information. Maricopa County is adding a new Appendix G, Incorporated Materials.

On November 29, 2004, the EPA published two final rules in the Federal Register. The first final rule, 69 FR 69298 - 69304, exempted t-butyl acetate from volatile organic compound (VOC) emissions limitations and content requirements. In the second final rule, 69 FR 69290 - 69298, the EPA added four compounds to the list of compounds excluded from the definition of VOC at 40 CFR 51.100(s)(1), and also made nomenclature changes to two previously exempted compounds. Maricopa County is incorporating these changes into Rule 100, as required by the EPA. With this action, Maricopa County is also responding to a petition by an interested party to incorporate the changes to t-butyl acetate into Rule 100. In 62 FR 38652 - 38760 (7/18/97), the EPA promulgated final rules implementing the National Ambient Air Quality Standards (NAAQS) for PM_{2.5}. Maricopa County is adding the definition for PM_{2.5} to Rule 100 and adding "40 CFR 50, Appendix L" to the Reference Method definition.

In this rulemaking, Maricopa County also amended Rule 100 by making several technical corrections. Maricopa County removed the terms "Bureau", "Division", "Division of Air Pollution Control" and "Maricopa County Environmental Services Department" and replaced, where applicable, with "Maricopa County Air Quality Department" or "Department" in order to reflect the creation of the Maricopa County Air Quality Department on November 17, 2004. Maricopa County also updated the suite number and telephone number for the Air Quality Department. Maricopa County updated references to the ARS in several definitions to be consistent with the text currently used in the ARS. Several definitions in Rule 100 reference other sections of the Maricopa County Air Pollution Control Regulations. Maricopa County revised these references, where needed, due to the deletion and addition of definitions in Rule 100. Maricopa County also changed the term "subsection" to "section" when addressing sections of the Maricopa County Air Pollution Control Regulations in order to ensure consistency throughout the rules. Finally, Maricopa County added a new Appendix G, Incorporated Materials. The intent of several of the revisions to Rule 100 is for Maricopa County's rule to be consistent with 40 CFR and the AAC. These and other substantive revisions to Rule 100 are discussed in the Section by Section Explanation of Changes.

Note: Numerical references to the ADEQ rules at Title 18, Chapter 2, Section 101, Definitions are subject to change due to the addition or deletion of definitions by ADEQ in subsequent rulemakings.

Section by Section Explanation of Changes:

Section 110	This revision changes the text "Pollution Standard Index (PSI)" to "Air Quality Index (AQI)". The EPA changed the name of this index in 64 FR 42530 - 42549, 8/4/99.
Section 112	This revision adds a new Section 112 "Availability of Information" to indicate where incorporated materials are available.
Section 200.14	This revision modifies the definition of AP-42, because AP-42 is now incorporated by reference in Appendix G.
Section 200.38	This revision removes the outdated text "The Division of Air Pollution Control within the Maricopa County Environmental Management and Transportation Agency."
Section 200.39	This revision adds the definition for "Dust Generating Operation". This definition is currently used in Maricopa County Air Pollution Control Regulations Rules 310 and Rules 316.
Section 200.40	This revision removes the definition for "Earthmoving Operation". This definition is currently only used in Maricopa County Air Pollution Control Regulation Rule 310.
Section 200.49(b)	This revision changes the word "unitary" to "preconstruction" in the definition for "Federal Applicable Requirement" to reflect the language used in 40 CFR 70.2 and the Arizona Administrative Code (AAC) R18-2-101(42)(b).

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- Section 200.67 This revision adds a definition for "Nitrogen Oxides (NO_x)". The term "Nitrogen Oxides" is used in multiple Maricopa County Air Pollution Control Regulations. The term is defined as in 40 CFR 60.2 and AAC R18-2-101(76).
- Section 200.69 On November 29, 2004, the EPA published two final rules in the Federal Register. The first final rule, 69 FR 69298 - 69304, exempted t-butyl acetate (also known as tertiary butyl acetate, TBAC, or TBAC) from VOC emissions limitations and content requirements. EPA codified this change at 40 CFR 51.100(s)(5). T-butyl acetate will continue to be a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to VOCs. EPA has made this determination on the reactivity of t-butyl acetate because of the "closeness" of t-butyl acetate to EPA's reactivity exemption line. In the second final rule, 69 FR 69290 - 69298, the EPA added four compounds to the list of compounds excluded from the definition of VOC at 40 CFR 51.100(s)(1), and also made nomenclature changes to two previously exempted compounds. The four compounds are: 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, or HFE-7000), 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6-dodecafluoro-2-(trifluoromethyl) hexane (or HFE-7500, HFE-s702, T-7145, or L-15381), 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea), and methyl formate (HCOOCH₃). EPA based this ruling on its determination that the four compounds make a negligible contribution to tropospheric ozone formation. EPA also made nomenclature changes to two previously exempted compounds: the addition of "HFE-7100" to the definition of 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃), and the addition of "HFE-7200" to the definition of 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅). With this revision, Maricopa County is incorporating the EPA's rulings into Rule 100 in the definition of "non-precursor organic compound".
- Section 200.79 In 62 FR 38652 - 38760 (7/18/97), the EPA promulgated final rules implementing the NAAQS for PM_{2.5}. Maricopa County is adding the definition for PM_{2.5} to Rule 100. Maricopa County will revise Rule 510, NAAQS in a separate rulemaking.
- Section 200.80 This revision moves the word "nominal" before the text "10 microns" and changes the term "smaller than" to "less than" to keep the definition for PM₁₀ consistent with the language used in AAC R18-2-101(85) and 40 CFR 51.100(qq).
- Section 200.90 This revision adds 40 CFR 50, Appendix L as a Reference Method. Appendix L, "Reference Method for the Determination of Particulate Matter as PM_{2.5} in the Atmosphere" was added to 40 CFR by EPA with 62 FR 38652 - 38760, 7/18/97.
- Section 200.102 This revision removes the text "A gas temperature of 60 degrees Fahrenheit (°F) and a gas pressure of 14.7 pounds per square inch absolute (psia)" and adds the text "A temperature of 293K (68 degrees Fahrenheit or 20 degrees Celsius) and a pressure of 101.3 kilopascals (29.92 in. Hg or 1013.25 mb)" to be consistent with the language used in AAC R18-2-701(34) and 40 CFR 60.2.
- Section 200.108 This revision adds a definition for "Total Reduced Sulfur (TRS)". The term "Total Reduced Sulfur (TRS)" is used in Maricopa County Air Pollution Control Regulations Rule 100 and Rule 240. The definition added is consistent with the definition for "Total Reduced Sulfur (TRS)" used by the ADEQ in AAC R18-2-101(116).
- Section 503 With this revision, Maricopa County is removing the outdated reference to "AFP-644", and replacing it with a reference to "the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A, July 1, 2004", published at 67 FR 39602 - 39616, 6/10/02. In the Consolidated Emission Reporting Rule final rulemaking, EPA simplified and consolidated emission inventory reporting requirements to a single location within the CFR. With this rule revision, Maricopa County is just removing the outdated reference to AFP-644, and replacing it with a reference to Table 2A of the Consolidation Emissions Reporting Rule.

Sources subject to Section 503 that emit NO_x or VOC must submit emission statements that contain all of the information required by Table 2A of 40 CFR 51, Subpart A, Appendix A. Maricopa County also revised Section 503 by removing the outdated text "The first statement will cover 1992 emissions and shall be submitted to the Division by April 30, 1993" and replaced it with "Statements shall be submitted annually to the Department".

Appendix G, Incorporated Materials

Maricopa County has added a new appendix that incorporates by reference EPA test methods, protocols, federal regulations, and documents that are approved for use by Maricopa County. The test methods, protocols, and documents are currently referenced or incorporated by reference in various sections of the Maricopa County Air Pollution Control Regulations. Maricopa County is also incorporating by reference 40 CFR 51, Subpart A, Appendix A, Table 2A in Appendix G. The incorporation by reference of these test methods, protocols, documents, and regulations in one appendix of the Maricopa County Air Pollution Control Regulations will simplify future updates. This Appendix is equivalent to Title 18, Chapter 2, Appendix 2 in the AAC. The documents are also incorporated by reference by ADEQ in the AAC, R18-2-102 and R18-2-327(C)(3). The document "Guidelines for Determining Capture Efficiency" is not incorporated by reference by ADEQ, but is used in multiple Maricopa County rules.

7. Demonstration of compliance with ARS §49-112:

Under ARS §49-479(C), a county may not adopt or amend a rule that is more stringent than the rules adopted by the director of the ADEQ for similar sources unless it demonstrates compliance with the requirements of ARS §49-112.

ARS § 49-112(A)

When authorized by law, a county may adopt a rule, ordinance, or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition;
2. There is credible evidence that the rule, ordinance or other regulation is either:
 - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible
 - (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulations.

Section 182(a)(3)(B) of the Clean Air Act requires stationary sources of air pollution in ozone nonattainment areas to prepare and submit emission statement data each year to the local governing agency, showing actual emissions of VOCs and NO_x. The requirements apply to facilities which emit VOC or NO_x in amounts of 25 tons per year or more (plant-wide basis). Under 40 CFR 81.303, Maricopa County is classified as nonattainment as for the 8-hour ozone standard. Maricopa County and parts of Pinal County are the only 8-hour ozone nonattainment areas in the state of Arizona. Maricopa County has revised Rule 100, Section 503, Emission Statements Required as Stated in the Act, to address a peculiar local condition: the designation of Maricopa County as a nonattainment area for the 8-hour ozone standard. Maricopa County has also made this revision because the preparation and submittal of emission statement data is required under Section 182(a)(3)(B) of the Clean Air Act. Therefore, this revision is in compliance with ARS §49-112(A).

ARS § 49-112(B)

The ARS § 49-112(B) demonstration does not apply because these particular rules are in that portion of Maricopa County's air quality program that is administered under direct statutory authority. Therefore, these rules are not being adopted or revised in lieu of a state program.

- 8. A reference to any study relevant to the rule that the department reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None.

- 9. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

10. The economic, small business, and consumer impact:

1. Final rule making

In this rulemaking, Maricopa County is amending Rule 100, General Provisions and Definitions. Rule 100 includes definitions, administrative requirements, requirement for emissions statements and data reporting, and other general information. In this rulemaking, Maricopa County responds to recent notices published by the EPA in the Federal Register. Maricopa County is also making several technical corrections in this rulemaking, several revisions to be consistent with text used in 40 CFR and the AAC, and adding a new Appendix G. Maricopa County is required to incorporate changes to Title 40 of the Code of Federal Regulations into the Maricopa County Air Pollution Control Regulations.

Changes to address recent FR notices

Maricopa County is revising the definition of "Non-Precursor Organic Compound" to incorporate two final rulemakings promulgated by EPA on 11/29/04. In 69 FR 69298 - 69304, the EPA exempted t-butyl acetate (also known as tertiary butyl acetate, TBAC, or TBAC) from volatile organic compound (VOC) emissions limitations and content requirements at 40 CFR 51.100(s)(5). T-butyl acetate will continue to be a volatile organic compound for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to volatile organic compounds. In the second final rule, 69 FR 69290 - 69298, the EPA added four compounds to the list of compounds excluded from the definition of VOC at 40 CFR 51.100(s)(1), and also made nomenclature changes to two previously exempted compounds. The four compounds are: 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane ($\text{n-C}_3\text{F}_7\text{OCH}_3$, or HFE-7000), 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (or HFE-7500, HFE-s702, T-7145, or L-15381), 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea), and methyl formate (HCOOCH_3). EPA also made nomenclature changes to two previously exempted compounds: the addition of "HFE-7100" to 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($\text{C}_4\text{F}_9\text{OCH}_3$), and the addition of "HFE-7200" to 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($\text{C}_4\text{F}_9\text{OC}_2\text{H}_5$).

In 62 FR 38652 - 38760 (7/18/97), the EPA promulgated final rules implementing the National Ambient Air Quality Standards (NAAQS) for $\text{PM}_{2.5}$. Maricopa County is adding the definition for $\text{PM}_{2.5}$ to Rule 100, and adding 40 CFR 50, Appendix L, "Reference Method for the Determination of Particulate Matter as $\text{PM}_{2.5}$ in the Atmosphere", to the definition of Reference Method, in order to address this Federal Register notice.

Technical corrections

In this rulemaking, Maricopa County is making several technical corrections to Rule 100. Maricopa County is removing the terms "Bureau", "Division", "Division of Air Pollution Control" and "Maricopa County Environmental Services Department" and replacing, where applicable, with "Maricopa County Air Quality Department" or "Department" in order to reflect the creation of the Maricopa County Air Quality Department on November 17, 2004. Maricopa County is also updating references to the ARS in several definitions to be consistent with the text currently used in the ARS. Several definitions in Rule 100 reference other sections of the Maricopa County Air Pollution Control Regulations. Maricopa County is revising these references, where needed, due to the deletion and addition of definitions in Rule 100. Maricopa County is also changing the term "subsection" to "section" when addressing sections of the Maricopa County Air Pollution Control Regulations in order to ensure consistency throughout the rules. Maricopa County is updating the definition of AP-42 to reference Appendix G. The definition for "Dust Generating Operation" is currently used in

Maricopa County Air Pollution Control Regulations Rules 310 and Rules 316. Maricopa County is adding this definition to Rule 100. Maricopa County is also removing the definition for "Earthmoving Operation". This definition is currently only used in Maricopa County Air Pollution Control Regulation Rule 310.

Other revisions

Maricopa County is making other revisions to Rule 100 to be consistent with the text used in 40 CFR and the AAC, and for consistency throughout the Maricopa County Air Pollution Control Regulations. Maricopa County is changing the word "unitary" to "preconstruction" in the definition for "Federal Applicable Requirement" to reflect the language used in 40 CFR 70.2 and in R18-2-101(42)(b). Maricopa County is adding a definition for "Nitrogen Oxides (NO_x)", as defined in 40 CFR 60.2 and R18-2-101(76). The term "Nitrogen Oxides" is used in multiple Maricopa County Air Pollution Control Regulations. Maricopa County is revising the definition for PM₁₀ to be consistent with the language used in R18-2-101(85) and 40 CFR 51.100(qq). Maricopa County is also adding a definition for "Total Reduced Sulfur (TRS)" as defined in R18-2-101(116), because the term "Total Reduced Sulfur (TRS)" is used in several Maricopa County Air Pollution Control Regulations. Maricopa County is revising the definition for "Standard Conditions" to be consistent with the language used in R18-2-701(34) and 40 CFR 60.2. Maricopa County is removing the outdated reference to "AFP-644", and replacing it with an incorporation by reference of "the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A", published at 67 FR 39602 - 39616, 6/10/02. Maricopa County is adding a new Section 112, "Availability of Information", to indicate where this incorporated material is available. Finally, Maricopa County is adding a new Appendix G, Incorporated Materials. In Appendix G, Incorporated Materials, Maricopa County is adding a new appendix that incorporates by reference the EPA test methods, protocols, regulations, and documents that are approved for use by Maricopa County. The intent of this new appendix is to consolidate materials incorporated by reference into one central location.

2. Persons who are affected, bear costs or directly benefit

Cost bearers

There should be no costs associated with this rulemaking.

Beneficiaries

There are benefits to the implementing agency, regulated community, small businesses, political subdivisions of the state and members of the public. There are health benefits to all parties involved. There are benefits to the regulated community and small businesses in being regulated by a nearer government agency than by the EPA.

3. Cost/benefit analysis/summary

Probable costs and benefits to the implementing agencies, political subdivision, and businesses

The "technical corrections" and "other revisions" impose no economic impacts. The "technical corrections" are non-substantive changes. The "other revisions" are mainly changes made to reflect the text currently used in 40 CFR and the AAC. The revision updating the outdated reference to AFP-644, and replacing it with a reference to "the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A" will have no economic impact. This final rule was promulgated by EPA in 67 FR 39602 - 39616, 6/10/02, and was effective on August 9, 2002, and consolidates emission inventory reporting requirements to a single location within the CFR. Also, the regulated community is already required to comply with Rule 100, Section 503, "Emission Statements Required As Stated in the Act". This revision only updates a reference to an outdated document.

Also, the addition of the definition for PM_{2.5} and revision of the definition of "Reference Method" reflects the EPA's actions in 62 FR 38652 - 38760, 7/18/97. Both of these changes are mandated by 40 CFR, NAAQS rule. Finally, the addition of Appendix G will have no economic impact. This new Appendix consolidates incorporated by reference material into one central location in the Maricopa County Air Pollution Control Regulations.

The revision of the definition of "Non-Precursor Organic Compound" to incorporate two final rulemakings promulgated by EPA on 11/29/04 will reduce the economic burden on businesses. The exemption of t-butyl acetate (also known as

tertiary butyl acetate, TBAC, or TBaC) from VOC emissions limitations and content requirements will result in reduced costs to businesses. Although t-butyl acetate will continue to be a volatile organic compound for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements which apply to volatile organic compounds, businesses will no longer be required to include t-butyl acetate when determining VOC emissions limitations and content requirements. The exemption of 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, or HFE-7000), 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6-dodecafluoro-2-(trifluoromethyl) hexane (or HFE-7500, HFE-s702, T-7145, or L-15381), 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea), and methyl formate (HCOOCH₃) from the definition of VOC at 40 CFR 51.100(s)(1), will reduce the economic burden on businesses. Businesses will no longer be required to include these four compounds as a VOC in determining whether they meet regulatory obligations for limiting VOC use, limiting VOC emissions, or otherwise controlling VOCs. The minor nomenclature changes to two previously exempted compounds will also have no economic impact. The four compounds excluded from the definition of VOC all have potential for use as refrigerants, fire suppressants, aerosol propellants, or blowing agents. In addition, all four compounds may be used as an alternative to ozone-depleting substances. Three of the compounds are approved by EPA's Significant New Alternatives Policy program as acceptable substitutes for ozone-depleting compounds.

Costs to Maricopa County are those that may accrue for implementation and enforcement of the standards as county law. Since this rulemaking includes updates, definitions, and technical corrections, it is not expected to have any effect on department revenues or personnel.

Benefits accrue to the regulated community when a county agency incorporates a federal regulation in order to become the primary implementer of the regulation, because the county agency is closer to those being regulated and, therefore, is generally easier to contact and to work with to resolve differences, compared with the EPA, whose regional office for Arizona is in San Francisco. Local implementation also reduces travel and communication costs.

Health benefits accrue to the general public whenever enforcement of environmental laws takes place. Adverse health effects from air pollution result in a number of economic and social consequences, including:

1. **Medical Costs.** These include personal out-of-pocket expenses of the affected individual (or family), plus costs paid by insurance or Medicare, for example. Also included are reduced emergency room visits and hospital admissions.
2. **Work Loss.** This includes lost personal income, plus lost productivity whether the individual is compensated for the time or not. For example, some individuals may perceive no income loss because they receive sick pay, but sick pay is a cost of business and reflects lost productivity.
3. **Increased costs for chores and care giving.** These include special care giving and services that are not reflected in medical costs. These costs may occur because some health effects reduce the affected individual's ability to undertake some or all normal chores, and he or she may require extra care.
4. **Other social and economic costs.** These include restrictions on or reduced enjoyment of leisure activities, discomfort or inconvenience, pain and suffering, anxiety about the future, and concern and inconvenience to family members and others.

4. Private and public employment impact

This rule is expected to have no impact on private and public employment.

5. Rule impact reduction on small businesses.

a. An identification of the small businesses subject to the rulemaking.

There are no increased costs for small businesses subject to the rulemaking.

b. The administrative and other costs required for compliance with the rulemaking.

There are no administrative and other costs required for compliance with the rulemaking.

c. A description of the methods that the agency may use to reduce the impact on small businesses.

ARS § 41-1035 requires Maricopa County to reduce the impact of a rule on small businesses by using certain methods when they are legal and feasible in meeting the statutory objectives of the rulemaking.

The five listed methods are:

1. Establish less stringent compliance or reporting requirements in the final rule for small businesses.
2. Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses.
3. Consolidate or simplify the rule's compliance or reporting requirements for small businesses.
4. Establish performance standards for small businesses to replace design or operational standards in the rule.
5. Exempt small businesses from any or all requirements of the rule.

A small business is defined in ARS § 41-1001 as a "concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year. For purposes of a specific rule, an agency may define small business to include more persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of small businesses and organizations."

Maricopa County has determined that there is a beneficial impact on small businesses in transferring implementation of these rules to Maricopa County. In addition, Maricopa County is required to adopt the federal rules without reducing stringency. Maricopa County, therefore, has found that it is not legal or feasible to adopt any of the five listed methods in ways that reduce both the impact of these rules on small businesses. Finally, where federal rules impact small businesses, EPA is required by both the Regulatory Flexibility Act and the Small Business Regulatory Enforcement and Fairness Act to make certain adjustments in its own rulemakings. Information related to such may be found in the individual rules described in Section 6 of the Notice of Final Rulemaking.

d. The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.

Private persons or consumers will not be directly affected by the rulemaking, with the exception of the expected health benefits.

6. Probable effect on state revenues

There should be no effect on state revenues.

7. Less intrusive or costly alternative methods of achieving the rulemaking.

None. Maricopa County is required to adopt the federal and state rules without reducing stringency.

Conclusions

In conclusion, costs associated with this rule are generally low, while the air quality benefits are generally high. Costs to Maricopa County are those that may accrue for implementation and enforcement of the standards as county law. In addition, there are benefits to industry from being regulated by a geographically nearer government entity. There are no adverse economic impacts on political subdivisions. There are no adverse economic impacts on private businesses (the regulated community), their revenues, or expenditures. The fact that no new employment is expected to occur has been discussed above, in the context of the impact on county agencies. There are no adverse economic impacts on small businesses, although some regulatory benefits will accrue to them. There are no economic impacts for consumers; benefits to private persons as members of the general public are discussed above in terms of enforcement. There will be no direct impact on county revenues. There are no other, less costly alternatives for achieving the goals of this rulemaking.

11. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Maricopa County has made some minor revisions to the preamble, including: removing references to the word "propose"; minor language changes for clarity, including those in the Section-by-Section explanation of Sections 200.69 and 503; and, revising the "economic, small business, and consumer impact" in #10 of this notice to match the format specified in ARS § 41-1055(B). Maricopa County has also removed the *Federal Register* notices, as studies relied on in this rulemaking, from #8 of this Notice of Final Rulemaking.

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Rule 100, Section 200.98(c) Maricopa County has changed the ARS reference in this Section to § 49-401.01(16). In the 1992 version of the ARS, the definition of "hazardous air pollutant" is located at ARS § 49-401.01(11). The ARS was subsequently revised, and the definition for "hazardous air pollutant" was moved to ARS § 49-401.01(16). Maricopa County is revising the definition of "Significant" to refer to the correct ARS statute for the definition of "hazardous air pollutant", § 49-401.01(16).

Appendix G, Section (3)(b) Maricopa County has added "40 CFR 75". 40 CFR 75 is already incorporated by reference in Rule 371, Acid Rain and Rule 280, Fees. Maricopa County plans to revise Rule 280 in a separate rulemaking in order to refer to the new Appendix G when incorporating by reference 40 CFR 75 and its appendices. Maricopa County is adding the incorporation by reference of 40 CFR 75 to Appendix G to facilitate this reference.

12. A summary of the comments made regarding the rule and the department response to them:

No comments were received on the Notice of Proposed Rulemaking.

13. Any other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:

None.

14. Incorporations by reference and their location in the rules:

<u>Incorporation by reference:</u>	<u>Location</u>
Consolidated Emissions Reporting Rule, 40 CFR 51, Subpart A, Appendix A, Table 2A, July 1, 2004;	Appendix G
40 CFR 50, July 1, 2004;	Appendix G
40 CFR 50, Appendices A through N, July 1, 2004;	Appendix G
40 CFR 51, Appendix M, Appendix S, Section IV, and Appendix W, July 1, 2004;	Appendix G
40 CFR 52, Appendices D and E, July 1, 2004;	Appendix G
40 CFR 53, July 1, 2004;	Appendix G
40 CFR 58, July 1, 2004;	Appendix G
40 CFR 58, all appendices, July 1, 2004;	Appendix G
40 CFR 60, all appendices, July 1, 2004;	Appendix G
40 CFR 61, all appendices, July 1, 2004;	Appendix G
40 CFR 63, all appendices, July 1, 2004;	Appendix G
40 CFR 75, July 1, 2004;	Appendix G
40 CFR 75, all appendices, July 1, 2004;	Appendix G
ADEQ's "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992;	Appendix G
American Society for Testing and Materials (ASTM) test methods referenced in the Maricopa County Air Pollution Control Rules and Regulations as of the year specified in the reference;	Appendix G
The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987";	Appendix G
EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, and Updates 2001, 2002, 2003, and 2004;	Appendix G
EPA guidance document "Guidelines for Determining Capture Efficiency", January 9, 1995.	Appendix G

2002 US NAICS Manual, "North American Industry Classification System - United States", National Technical Information Service, US Census Bureau, 2002.

15. Was this rule previously made as an emergency rule?

No.

16. The full text of the rules follows:

REGULATION I - GENERAL PROVISIONS

RULE 100

GENERAL PROVISIONS AND DEFINITIONS

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Revised 07/26/00

Revised 03/07/01

Revised 08/22/01

Revised 11/06/02

Revised 03/15/06

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION I - GENERAL PROVISIONS

**RULE 100
GENERAL PROVISIONS AND DEFINITIONS**

SECTION 100 - GENERAL

- 101 DECLARATION OF INTENT:** The Maricopa County Air Pollution Control Regulations prevent, reduce, control, correct, or remove regulated air pollutants originating within the territorial limits of Maricopa County and carry out the mandates of Arizona Revised Statutes (ARS), Title 49 (The Environment).
- 102 LEGAL AUTHORITY:** These rules are adopted under the authority granted by ARS §49-479.
- 103 VALIDITY:** If any section, subsection, clause, phrase, or provision of these rules is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion.

- 104 CIRCUMVENTION:** A person shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of regulated air pollutants to the atmosphere, conceals or dilutes an emission which would otherwise constitute a violation of these rules. No person shall circumvent these rules to dilute regulated air pollutants by using more emission openings than is considered normal practice by the industry or activity in question.
- 105 RIGHT OF INSPECTION OF PREMISES:** The Control Officer, during reasonable hours, for the purpose of enforcing and administering these rules or any provision of ARS relating to the emission or control prescribed pursuant thereto, may enter every building, premises, or other place, except the interior of structures used as private residences. In the event that consent to enter for inspection purposes has been refused or circumstances justify the failure to seek such consent, special inspection warrants may be issued by a magistrate. Every person is guilty of a petty offense under ARS §49-488 who in any way denies, obstructs, or hampers such entrance or inspection that is lawfully authorized by warrant.
- 106 RIGHT OF INSPECTION OF RECORDS:** When the Control Officer has reasonable cause to believe that any person has violated or is in violation of any provision of this rule, any rule adopted under this rule, or any requirement of a permit issued under this rule, the Control Officer may request, in writing, that such person produce all existing books, records, and other documents evidencing tests, inspections, or studies which may reasonably relate to compliance or non-compliance with rules adopted under this rule. No person shall fail nor refuse to produce all existing documents required in such written request by the Control Officer.
- 107 ADVISORY COUNCIL:** An Advisory Council appointed by the Board of Supervisors may advise and consult with the Board of Supervisors, the ~~Division of Air Pollution Control~~ Maricopa County Air Quality Department, and the Control Officer in effecting the mandates of ARS Title 49.
- 108 HEARING BOARD:** The Board of Supervisors shall appoint a 5-member hearing board knowledgeable in the field of air pollution. At least 3 members shall not have a substantial interest, as defined in ARS §38-502(11), in any person required to obtain an air pollution permit. Each member shall serve a term of 3 years (ARS §49-478).
- 109 ANTI-DEGRADATION:** The standards in these rules shall not be construed as permitting the preventable degradation of air quality in any area of Maricopa County.
- 110 AVAILABILITY OF POLLUTION INFORMATION:** The public shall be informed on a daily basis of average daily concentration of 3 pollutants: particulates, carbon monoxide, and ozone. This information shall be disseminated through the use of newspapers, radio, and television. The levels of each pollutant shall be expressed through the use of the ~~Pollution Standard Index (PSI)~~ Air Quality Index (AQI) and a written copy of such information shall be made available at the office of the Maricopa County ~~Environmental Services~~ Air Quality Department, 1001 North Central Avenue, #201 Suite 400, Phoenix, Arizona, 85004, 602-506-6010.
- 111 ANNUAL REASONABLE FURTHER PROGRESS (RFP) REPORT:** A report on the progress in implementation of nonattainment area plans shall be produced by the ~~Division~~ Department each year. The primary function of the report is to review the implementation schedules for control measures and emission reduction forecasts in the nonattainment area plans. The annual report will be made available to the public at the offices of the Maricopa County ~~Environmental Services~~ Air Quality Department, 1001 North Central Avenue, #201 Suite 400, Phoenix, Arizona, 85004, 602-506-6010.
- 112 AVAILABILITY OF INFORMATION:** Copies of 40 CFR 51, Subpart A, Appendix A, Table 2A, are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or call (602) 506-6010 for information.

SECTION 200 - DEFINITIONS: To aid in the understanding of these rules, the following general definitions are provided. Additional definitions, as necessary, can be found in each rule of the Maricopa County Air Pollution Control Regulations.

- 200.1 AAC** - Arizona Administrative Code.
- 200.2 ACT** - The Clean Air Act of 1963 (P.L. 88-206; 42 United States Code sections 7401 through 7671), as amended by the Clean Air Act Amendments of 1990 (P.L.101-549).
- 200.3 ACTUAL EMISSIONS** - The actual rate of emissions of a pollutant from an emissions unit, as determined in ~~subsections~~ Sections 200.3(a) through 200.3(e):
- a.** In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a 2-year period that precedes the particular date and that is representative of normal source operation. The Control Officer may allow the use of a different time period upon a demonstration that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
 - b.** If there is inadequate information to determine actual historical emissions, then the Control Officer may presume that source-specific allowable emissions for the emissions unit are equivalent to the actual emissions of the emissions unit.
 - c.** For any emissions unit at a Title V source, other than an electric utility steam generating unit described in ~~subsection~~ Section 200.3(e) of this rule, that has not begun normal operations on the particular date, actual emissions shall equal the unit's potential to emit on that date.
 - d.** For any emissions unit at a Non-Title V source that has not begun normal operations on the particular date, actual emissions shall be based on applicable control equipment requirements and projected conditions of operation.
 - e.** For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit), actual emissions of the unit, following the physical or operational change, shall equal the representative actual annual emissions of the unit, if the source owner and/or operator maintains and submits to the Control Officer on an annual basis, for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the Control Officer, if the Control Officer determines the longer period to be more representative of normal source post-change operations.
- 200.4 ADMINISTRATOR** - The Administrator of the United States Environmental Protection Agency.
- 200.5 ADVISORY COUNCIL** - The Maricopa County Air Pollution Control Advisory Council appointed by the Maricopa County Board of Supervisors.
- 200.6 AFFECTED FACILITY** - With reference to a stationary source, any apparatus to which a standard is applicable.
- 200.7 AFFECTED SOURCE** - A source that includes one or more emissions units which are subject to emission reduction requirements or limitations under Title IV (Acid Deposition Control) of the Act.
- 200.8 AFFECTED STATE** - Any State whose air quality may be affected and that is contiguous to Arizona or that is within 50 miles of the permitted source.

- 200.9 AIR CONTAMINANT** - Includes smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, noxious chemicals, or any other material in the outdoor atmosphere.
- 200.10 AIR POLLUTION** - The presence in the outdoor atmosphere of one or more air contaminants, or combinations thereof, in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration, are or tend to be injurious to human, plant, or animal life, or causes damage to property, or unreasonably interferes with the comfortable enjoyment of life or property of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the Board of Supervisors.
- 200.11 AIR POLLUTION CONTROL EQUIPMENT** - Equipment used to eliminate, reduce, or control the emission of air pollutants into the ambient air.
- 200.12 ALLOWABLE EMISSIONS** - The emission rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate or hours of operation or both) and the most stringent of the following:
- a. The applicable New Source Performance Standards as described in Rule 360 of these rules or the Federal Hazardous Air Pollutant Program as described in Rule 370 of these rules; or
 - b. The applicable existing source performance standard as approved for the SIP; or
 - c. The emissions rate specified in any federally promulgated rule or federally enforceable permit condition.
- 200.13 AMBIENT AIR** - That portion of the atmosphere, external to buildings, to which the general public has access.
- 200.14 AP-42** - The EPA document "Compilation of Air Pollutant Emission Factors," as incorporated by reference in Appendix G September 1985, and all supplements thereto.
- 200.15 APPLICABLE IMPLEMENTATION PLAN** - Those provisions of the SIP approved by the Administrator of EPA or a Federal Implementation Plan (FIP) promulgated under Title I (Air Pollution Prevention And Control) of the Act.
- 200.16 APPLICABLE REQUIREMENT** - Applicable requirement means any of the following:
- a. Any federal applicable requirement as defined in Section ~~200.50~~ 200.49 of this rule.
 - b. Any other requirement established under the Maricopa County Air Pollution Control Regulations or ARS Title 49, Chapter 3, Articles 1, 3, 7, and 8.
- 200.17 APPROVED** - Approved in writing by the Maricopa County Air Pollution Control Officer.
- 200.18 AREA SOURCE** - Any stationary source that is not a major source. For purposes of these rules, the term "area source" shall not include motor vehicles or nonroad vehicles subject to regulation under Title II (Emission Standards For Moving Sources) of the Act.
- 200.19 ARS** - The Arizona Revised Statutes. The titles of the most frequently used ARS references in these rules are listed below:

ARS §38-502(11)	Public Officers And Employees, Conduct Of Office, Conflict Of Interest Of Officers And Employees, Definitions, Substantial Interest
ARS Title 49	The Environment

County Notices Pursuant to A.R.S. § 49-112

ARS Title 49, Chapter 3	The Environment, Air Quality
ARS Title 49, Chapter 4	The Environment, Solid Waste Management
ARS §49-109	The Environment, General Provisions, Department Of Environmental Quality, Certificate Of Disclosure Of Violations; Definition; Remedies
ARS §49-401	The Environment, Air Quality, General Provisions, Declaration Of Policy
ARS §49-426	The Environment, Air Quality, State Air Pollution Control, Permits; Duties Of Director; Exceptions; Applications; Objections; Fees
ARS §49-426.04	The Environment, Air Quality, State Air Pollution Control, State List Of Hazardous Air Pollutants
ARS §49-426.05	The Environment, Air Quality, State Air Pollution Control, Designation Of Sources Of Hazardous Air Pollutants
ARS §49-429	The Environment, Air Quality, State Air Pollution Control, Permit Transfers; Notice; Appeal
ARS §49-464	The Environment, Air Quality, State Air Pollution Control, Violation; Classification; Definitions Penalties; <u>Definition</u>
ARS §49-473	The Environment, Air Quality, County Air Pollution Control, Board Of Supervisors
ARS §49-476.01	The Environment, Air Quality, County Air Pollution Control, Monitoring
ARS §49-478	The Environment, Air Quality, County Air Pollution Control, Hearing Board
ARS §49-480	The Environment, Air Quality, County Air Pollution Control, Permits; Fees
ARS §49-480.03	The Environment, Air Quality, County Air Pollution Control, Federal Hazardous Air Pollutant Program; Date Specified By Administrator; Prohibition
ARS §49-480.04	The Environment, Air Quality, County Air Pollution Control, County Program For Control Of Hazardous Air Pollutants
ARS §49-482	The Environment, Air Quality, County Air Pollution Control, Appeals To Hearing Board
ARS §49-483	The Environment, Air Quality, County Air Pollution Control, Permit Transfers; Notice; Appeal
ARS §49-487	The Environment, Air Quality, County Air Pollution Control, Classification And Reporting; Confidentiality Of Records
ARS §49-488	The Environment, Air Quality, County Air Pollution Control, Special Inspection Warrant
ARS §49-490	The Environment, Air Quality, County Air Pollution Control, Hearings On Orders Of Abatement
ARS §49-498	The Environment, Air Quality, County Air Pollution Control, Notice Of Hearing; Publication; Service
ARS §49-501	The Environment, Air Quality, County Air Pollution Control, Unlawful Open Burning; <u>Definition</u> ; Exceptions; Violation ; Classification <u>Fine</u>
ARS §49-511	The Environment, Air Quality, County Air Pollution Control, Violations, Order Of Abatement
ARS §49-514	The Environment, Air Quality, County Air Pollution Control, Violation; Classification; Definition

200.20 ASME - The American Society of Mechanical Engineers.

200.21 ASTM - The American Society for Testing and Materials.

200.22 ATTAINMENT AREA - An area so designated by the Administrator of EPA, acting under Section 107 (Air Quality Control Regions) of the Act, as having ambient air pollutant concentrations equal to or less than national primary or secondary ambient air quality standards for a particular pollutant or pollutants.

- 200.23 BEGIN ACTUAL CONSTRUCTION** - In general, initiation of physical on-site construction activities on an emissions unit, which are of a permanent nature. Such activities include installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, "begin actual construction" refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.
- 200.24 BEST AVAILABLE CONTROL TECHNOLOGY (BACT)** - An emissions limitation, based on the maximum degree of reduction for each pollutant, subject to regulation under the Act, which would be emitted from any proposed stationary source or modification, which the Control Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. Under no circumstances shall BACT be determined to be less stringent than the emission control required by an applicable provision of these rules or of any State or Federal Laws ("Federal laws" include the EPA approved SIP). If the Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.
- 200.25 BRITISH THERMAL UNIT (BTU)** - The quantity of heat required to raise the temperature of 1 pound of water 1 degree Fahrenheit (°F) at 39.1°F.
- 200.26 BUILDING, STRUCTURE, FACILITY, OR INSTALLATION** - All the pollutant-emitting equipment and activities that belong to the same industrial grouping, that are located on one or more contiguous or adjacent properties, and that are under the control of the same person or persons under common control, except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" as described in the "Standard Industrial Classification Manual, 1987".
- ~~**200.27 BUREAU**~~ - ~~The Division of Air Pollution Control within the Maricopa County Environmental Quality and Community Services Agency. The "Bureau" no longer exists; consequently, all references to "Bureau" in these rules refer to "Department".~~
- ~~**200.28**~~ **200.27** **CFR** - The United States Code of Federal Regulations.
- ~~**200.29**~~ **200.28** **CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SOURCE** - Shall include, but not be limited to, circumstances where a violation resulted from a sudden and unavoidable breakdown of the process or the control equipment, resulted from unavoidable conditions during a startup or shutdown, or resulted from upset of operations.
- ~~**200.30**~~ **200.29** **CLEAN COAL TECHNOLOGY** - Any technology, including technologies applied at the pre-combustion, combustion, or post-combustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity or process steam that was not in widespread use as of November 15, 1990.
- ~~**200.31**~~ **200.30** **CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT** - A project using funds appropriated under the heading "Department Of Energy-Clean Coal Technology", up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology or similar projects, funded through appropriations for

the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20% of the total cost of the demonstration project.

- ~~200.32~~ 200.31 **COMMENCE** - As applied to construction of a major source or a major modification, that the owner and/or operator has all necessary preconstruction approvals or permits and has either:
- a. Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
 - b. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner and/or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
- ~~200.33~~ 200.32 **COMPLETE** - In reference to an application for a permit, “complete” means that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Control Officer from requesting nor from accepting any additional information.
- ~~200.34~~ 200.33 **CONSTRUCTION** - Any physical change or change in the method of operation, including fabrication, erection, or installation, demolition, or modification of an emissions unit, which would result in a change in actual emissions.
- ~~200.35~~ 200.34 **CONTROL OFFICER** - The executive head of the department authorized or designated to enforce air pollution regulations, the executive head of an air pollution control district established under ARS §49-473, or the designated agent.
- ~~200.36~~ 200.35 **DEPARTMENT** - The Maricopa County ~~Environmental Services~~ Air Quality Department.
- ~~200.37~~ 200.36 **DIRECTOR** - The director of the Arizona Department of Environmental Quality (ADEQ).
- ~~200.38~~ 200.37 **DISCHARGE** - The release or escape of an effluent into the atmosphere from a source.
- ~~200.39~~ 200.38 **DIVISION** - ~~The Division of Air Pollution Control within the Maricopa County Environmental Management and Transportation Agency.~~ The Division no longer exists; consequently, all references in these rules to Division refer to Department.
- 200.39 **DUST GENERATING OPERATION** - Any activity capable of generating fugitive dust, including but not limited to, land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, bulk material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots. For the purpose of this rule, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.
- ~~200.40~~ **EARTHMOVING OPERATION** - ~~The use of any equipment for an activity which may generate fugitive dust, such as, but not limited to, cutting and filling, grading, leveling, excavating, trenching, loading or unloading of bulk materials, demolishing, blasting, drilling, adding to or removing bulk materials from open storage piles, back filling, soil mulching, landfill operations, or weed abatement by discing or blading.~~
- ~~200.41~~ 200.40 **EFFLUENT** - Any air contaminant which is emitted and subsequently escapes into the atmosphere.

- ~~200.42~~ **200.41** **ELECTRIC UTILITY STEAM GENERATING UNIT** - Any steam electric generating unit that is constructed for the purpose of supplying more than 1/3 of its potential electric output capacity and more than 25 MW electric output to any utility power distribution system for sale. Any steam supplied to a steam distribution system, for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale, is also considered in determining the electrical energy output capacity of the affected facility.
- ~~200.43~~ **200.42** **EMISSION STANDARD** - The definition of emission standard, as summarized from ARS §49-514(T) and ARS §49-464(V), is: A numeric limitation on the volume or concentration of air pollutants in emissions from a source or a specific design, equipment, or work practice standard, the purpose of which is to eliminate or reduce the volume or concentration of pollutants emitted by a source. The term emission standard does not include opacity standards. Violations of emission standards shall be determined in the manner prescribed by the applicable regulations issued by the Administrator of EPA or the Director or the Control Officer.
- ~~200.44~~ **200.43** **EMISSIONS UNIT** - Any part of a stationary source which emits or would have the potential to emit any regulated air pollutant.
- ~~200.45~~ **200.44** **EPA** - The United States Environmental Protection Agency.
- ~~200.46~~ **200.45** **EQUIVALENT METHOD** - Any method of sampling and analyzing for an air pollutant, which has been demonstrated to the EPA Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.
- ~~200.47~~ **200.46** **EXCESS EMISSIONS** - Emissions of an air pollutant in excess of an emission standard, as measured by the compliance test method applicable to such emission standard.
- ~~200.48~~ **200.47** **EXISTING SOURCE** -
- a. A source in operation prior to the effective date of this rule, or a source on which the construction or modification has commenced and for which the Control Officer has granted a permit prior to the effective date of this rule; or
 - b. When used in conjunction with a source subject to new source performance standards (NSPS), any source which does not have an applicable NSPS under Rule 360 of these rules.
- ~~200.49~~ **200.48** **FACILITY** - The definition of facility is included in Section 200.6 (Definition Of Affected Facility) of this rule and in Section 200.26 (Definition Of Building, Structure, Facility Or Installation) of this rule.
- ~~200.50~~ **200.49** **FEDERAL APPLICABLE REQUIREMENT** - Any of the following as they apply to emissions units covered by a Title V permit or a Non-Title V permit (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future effective compliance dates):
- a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I (Air Pollution Prevention And Control) of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52.
 - b. Any term or condition of any ~~unitary~~ preconstruction permits issued under regulations approved or promulgated through rulemaking under Title I (Air Pollution Prevention And Control), including Parts C or D, of the Act.
 - c. Any standard or other requirement under Section 111 (Standards Of Performance For New Stationary Sources) of the Act, includes Section 111(d).

- d. Any standard or other requirement under Section 112 (National Emission Standards For Hazardous Air Pollutants) of the Act, including any requirement concerning accident prevention under Section 112(r)(7) of the Act.
- e. Any standard or other requirement of the acid rain program under Title IV (Acid Deposition Control) of the Act or the regulations promulgated thereunder and incorporated under Rule 371 of these rules.
- f. Any requirements established under Section 504(b) (Permit Requirements And Conditions) or Section 114(a)(3) (Inspections, Monitoring, And Entry) of the Act.
- g. Any standard or other requirement governing solid waste incineration under Section 129 (Solid Waste Combustion) of the Act.
- h. Any standard or other requirement for consumer and commercial products pursuant to Section 183(e) (Federal Ozone Measures) of the Act.
- i. Any standard or other requirement for tank vessels pursuant to Section 183(f) (Federal Ozone Measures) of the Act.
- j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources under Section 328 (Air Pollution From Outer Continental Shelf Activities) of the Act.
- k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI (Stratospheric Ozone Protection) of the Act, unless the Administrator of EPA has determined that such requirements need not be contained in a Title V permit; and
- l. Any national ambient air quality standard or increment or visibility requirement under Part C (Prevention Of Significant Deterioration Of Air Quality) of Title I (Air Pollution Prevention And Control) of the Act, but only as it would apply to temporary sources permitted under Section 504(e) (Permit Requirements And Conditions) of the Act.

~~200.51~~ **200.50** **FEDERAL LAND MANAGER** - With respect to any lands in the United States, the Secretary Of The Department with authority over such lands.

~~200.52~~ **200.51** **FEDERALLY ENFORCEABLE -**

- a. All terms and conditions contained in a Title V permit, except those terms and conditions which have been specifically designated as not federally enforceable;
- b. The requirements of operating permit programs and permits issued under such permit programs which have been approved by the Administrator of EPA, including the requirements of State and County operating permit programs approved under Title V (Permits) of the Act or under any new source review permit program;
- c. All limitations and conditions which are enforceable by the Administrator of EPA, including the requirements of the New Source Performance Standards (NSPS) and the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) contained in these rules;
- d. The requirements of such other State or County rules or regulations approved by the Administrator of EPA for inclusion in the SIP;
- e. The requirements of any federal regulation promulgated by the Administrator of EPA as part of the SIP; and
- f. The requirements of State and County operating permit programs, other than Title V programs, which have been approved by the Administrator of EPA and incorporated into the applicable SIP under the criteria for federally enforceable State operating permit programs set forth in 54, Federal Register 27274, dated June 28, 1989. Such requirements include permit terms and conditions which have been entered into voluntarily by a source under this rule and/or under Rule 220 (Non-Title V Permit Provisions) of these rules.

~~200.53~~ **200.52** **FINAL PERMIT** - The version of a permit issued by the Control Officer after completion of all review required by Maricopa County Air Pollution Control Regulations.

- ~~200.54~~ 200.53 FUEL OIL** - Number 2 through Number 6 fuel oils as specified in ASTM D-396-90a (Specification For Fuel Oils), gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM D-2880-90a (Specification For Gas Turbine Fuel Oils), or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM D-975-90a (Specification For Diesel Fuel Oils).
- ~~200.55~~ 200.54 FUGITIVE EMISSION** - Any emission which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- ~~200.56~~ 200.55 INDIAN GOVERNING BODY** - The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.
- ~~200.57~~ 200.56 INDIAN RESERVATION** - Any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.
- ~~200.58~~ 200.57 INSIGNIFICANT ACTIVITY** – For the purpose of this rule, an insignificant activity shall be any activity, process, or emissions unit that is not subject to a source-specific applicable requirement, that emits no more than 0.5 ton per year of hazardous air pollutants (HAPs) and no more than 2 tons per year of a regulated air pollutant, and that is either included in Appendix D (List of Insignificant Activities) of these rules or is approved as an insignificant activity under Rule 200 of these rules. Source-specific applicable requirements include requirements for which emissions unit-specific information is needed to determine applicability.
- ~~200.59~~ 200.58 MAJOR MODIFICATION** - Any physical change or change in the method of operation of a major source that would result in a significant net emissions increase of any regulated air pollutant.
- a.** Any net emissions increase that is significant for VOCs shall be considered significant for ozone.
 - b.** Any net emissions increase that is significant for oxides of nitrogen shall be considered significant for ozone nonattainment areas classified as marginal, moderate, serious, or severe.
 - c.** For the purposes of this definition, the following shall not be considered a physical change or a change in the method of operation:
 - (1)** Routine maintenance, repair, and replacement;
 - (2)** Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. §792, or by reason of a natural gas curtailment plan under the Federal Power Act, 16 U.S.C. §792 - 825r;
 - (3)** Use of an alternative fuel by reason of an order or rule under Section 125 (Measures To Prevent Economic Disruption Or Unemployment) of the Act;
 - (4)** Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - (5)** Use of an alternative fuel or raw material by a stationary source that either:
 - (a)** The source was capable of accommodating before December 12, 1976, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rules 200, 210, 240, 245, and 270 of these rules; or
 - (b)** The source is approved to use under any permit issued under 40 CFR 52.21, or under Rules 200, 210, 240, 245, and 270 of these rules;
 - (6)** An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rules 200, 210, 240, 245, and 270 of these rules;
 - (7)** Any change in ownership at a stationary source;
 - (8)** The addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the Control Officer determines that the addition, replacement, or use renders the unit less environmentally beneficial, or except:

- (a) When the Control Officer has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent Title I air quality impact analysis in the area, if any, and
 - (b) The Control Officer determines that the increase will cause or contribute to a violation of any national ambient air quality standard, PSD increment, or visibility limitation;
- (9) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, if the project complies with:
 - (a) The SIP; and
 - (b) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated;
- (10) For electric utility steam generating units located in attainment and unclassified areas only, the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, if the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis; and
- (11) For electric utility steam generating units located in attainment and unclassified areas only, the reactivation of a very clean coal-fired electric utility steam generating unit.

~~200.60~~ 200.59 MAJOR SOURCE -

- a. A major source as defined in Rule 240 of these rules;
- b. A major source under Section 112 (National Emission Standards For Hazardous Air Pollutants) of the Act:
 - (1) For pollutants other than radionuclides, any stationary source that emits or has the potential to emit, in the aggregate, including fugitive emissions, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed under Section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as described in Title 18 (Environmental Quality), Chapter 2 (Department Of Environmental Quality Air Pollution Control), Article 11 (Federal Hazardous Air Pollutants) of the Arizona Administrative Code. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or
 - (2) For radionuclides, major source shall have the meaning specified by the Administrator of EPA by rule.
- c. A major stationary source, as defined in Section 302 (Definitions) of the Act, that directly emits or has the potential to emit 100 tpy or more of any air pollutant, including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purpose of Section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:
 - Coal cleaning plants (with thermal dryers).
 - Kraft pulp mills.
 - Portland cement plants.
 - Primary zinc smelters.
 - Iron and steel mills.
 - Primary aluminum ore reduction plants.
 - Primary copper smelters.
 - Municipal incinerators capable of charging more than 50 tons of refuse per day.

Hydrofluoric, sulfuric, or nitric acid plants.
Petroleum refineries.
Lime plants.
Phosphate rock processing plants.
Coke oven batteries.
Sulfur recovery plants.
Carbon black plants (furnace process).
Primary lead smelters.
Fuel conversion plants.
Sintering plants.
Secondary metal production plants.
Chemical process plants.
Fossil-fuel boilers (or combination thereof) totaling more than 250 million BTU per hour heat input.
Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
Taconite ore processing plants.
Glass fiber processing plants.
Charcoal production plants.
Fossil fuel-fired steam electric plants of more than 250 million BTU per hour rated heat input.
Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 (Standards Of Performance For New Stationary Sources) of the Act or under Section 112 (National Emission Standards For Hazardous Air Pollutants) of the Act.

~~200.61~~ **200.60** **MAJOR SOURCE THRESHOLD** – The lowest applicable emissions rate for a pollutant that would cause the source to be a major source, at the particular time and location, under Section ~~200.60~~ **200.59** (Definition Of Major Source) of this rule.

~~200.62~~ **200.61** **MALFUNCTION** - Any sudden and unavoidable failure of air pollution control equipment, process, or process equipment to operate in a normal and usual manner. Failures that are caused by poor maintenance, careless operation, or any other upset condition or equipment breakdown which could have been prevented by the exercise of reasonable care shall not be considered malfunctions.

~~200.63~~ **200.62** **MATERIAL PERMIT CONDITION -**

- a. For the purposes of ARS §49-464(G) and ARS §49-514(G), a material permit condition shall mean a condition which satisfies all of the following:
- (1) The condition is in a permit or permit revision issued by the Control Officer or by the Director after the effective date of this rule.
 - (2) The condition is identified within the permit as a material permit condition.
 - (3) The condition is one of the following:
 - (a) An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement.
 - (b) A requirement to install, operate, or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required under the requirements of ARS §49-426.06.
 - (c) A requirement for the installation or certification of a monitoring device.
 - (d) A requirement for the installation of air pollution control equipment.
 - (e) A requirement for the operation of air pollution control equipment.
 - (f) An opacity standard required by Section 111 (Standards Of Performance For New Stationary Sources) of the Act or Title I (Air Pollution Prevention And Control), Part C or D, of the Act.

- (4) Violation of the condition is not covered by Subsections (A) through (F) or (H) through (J) of ARS §49-464 or Subsections (A) through (F) or (H) through (J) of ARS §49-514.
- b. For the purposes of ~~subsections 200.63(a)(3)(e); Sections 200.62(a)(3)(c).~~ (d), and (e) of this rule, a permit condition shall not be material where the failure to comply resulted from circumstances which were outside the control of the source.

~~200.64~~ **200.63** **METHOD OF OPERATION** - The definition of method of operation is included in Section 200.71 (Definition Of Operation) of this rule.

~~200.65~~ **200.64** **MODIFICATION** - A physical change in or a change in the method of operation of a source which increases the actual emissions of any regulated air pollutant emitted by such source by more than any relevant de minimis amount, or which results in the emission of any regulated air pollutant not previously emitted by more than such de minimis amount.

~~200.66~~ **200.65** **NET EMISSIONS INCREASE** -

- a. The amount by which the sum of ~~subsection 200.66(a)(1)~~ Section 200.65(a)(1) and ~~subsection 200.66(a)(2)~~ Section 200.65(a)(2) below exceed zero:
 - (1) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and
 - (2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.
- b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:
 - (1) The date 5 years before construction on the particular change commences; and
 - (2) The date that the increase from the particular change occurs.
- c. An increase or decrease in actual emissions is creditable only if the Control Officer has not relied on it in issuing a permit, which is in effect when the increase in actual emissions from the particular change occurs. In addition, in nonattainment areas, a decrease in actual emissions shall be considered in determining net emissions increase due to modifications only if the State has not relied on it in demonstrating attainment or reasonable further progress.
- d. An increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, or particulate matter which occurs before the applicable baseline date, as described in Rule 500 of these rules, is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.
- e. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
- f. A decrease in actual emissions is creditable only to the extent that:
 - (1) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
 - (2) The emissions unit was actually operated and emitted the specific pollutant;
 - (3) It is federally enforceable at and after the time that actual construction on the particular change begins; and
 - (4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- g. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

~~200.67~~ **200.66** **NEW SOURCE** - Any source that is not an existing source.

200.67 NITROGEN OXIDES (NO_x) - All oxides of nitrogen except nitrous oxide, as measured by test methods set forth in the Appendices to 40 CFR 60.

200.68 NONATTAINMENT AREA - An area so designated by the Administrator of EPA, acting under Section 107 (Air Quality Control Regions) of the Act, as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.

200.69 NON-PRECURSOR ORGANIC COMPOUND - ~~Any of the following organic compounds that have been designated by EPA as having negligible photo-chemical reactivity:~~

a. Any of the following organic compounds that have been designated by EPA as having negligible photo-chemical reactivity:

67-64-1	Acetone;
74-82-8	Methane;
74-84-0	Ethane;
75-09-2	Methylene chloride (dichloromethane);
71-55-6	1,1,1-trichloroethane (methyl chloroform);
75-69-4	Trichlorofluoromethane (CFC-11);
75-71-8	Dichlorodifluoromethane (CFC-12);
75-45-6	Chlorodifluoromethane (HCFC-22);
76-13-1	1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
76-14-2	1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
76-15-3	Chloropentafluoroethane (CFC-115);
75-46-7	Trifluoromethane (HFC-23);
306-83-2	1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
2837-89-0	2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
1717-00-6	1,1-dichloro-1-fluoroethane (HCFC-141b);
75-68-3	1-chloro-1,1-difluoroethane (HCFC-142b);
354-33-6	Pentafluoroethane (HFC-125);
354-25-6	1,1,2,2-tetrafluoroethane (HFC-134);
811-97-2	1,1,1,2-tetrafluoroethane (HFC-134a);
420-46-2	1,1,1-trifluoroethane (HFC-143a);
75-37-6	1,1-difluoroethane (HFC-152a);
98-56-6	Parachlorobenzotrifluoride (PCBTF);
127-18-4	Perchloroethylene (tetrachloroethylene);
422-56-0	3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
507-55-1	1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
	1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
75-10-5	Difluoromethane (HFC-32);
353-36-6	Ethylfluoride (HFC-161);
690-39-1	1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
678-86-7	1,1,2,2,3-pentafluoropropane (HFC-245ca);
460-73-1	1,1,2,3,3-pentafluoropropane (HFC-245ea);
431-31-2	1,1,1,2,3-pentafluoropropane (HFC-245eb);
	1,1,1,3,3-pentafluoropropane (HFC-245fa);
431-63-0	1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
	1,1,1,3,3-pentafluorobutane (HFC-365mfc);
593-70-4	Chlorofluoromethane (HCFC-31);
1615-75-4	1-chloro-1-fluoroethane (HCFC-151a);
354-23-4	1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);

<u>163702-07-6</u>	1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C ₄ F ₉ OCH ₃) (HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₃) ₂ CFCF ₂ OCH ₃);
<u>163702-05-4</u>	1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C ₄ F ₉ OC ₂ H ₅) (HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₃) ₂ CFCF ₂ OC ₂ H ₅);
79-20-9	methyl acetate; cyclic, branched, or linear completely methylated siloxanes;
<u>375-03-1</u>	<u>1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, HFE-7000);</u>
<u>297730-93-9</u>	<u>3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane</u> <u>(HFE-7500);</u>
<u>431-89-0</u>	<u>1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);</u>
<u>107-31-3</u>	<u>methyl formate (HCOOCH₃);</u>

And perfluorocarbon compounds that fall into these classes:

Cyclic, branched, or linear, completely fluorinated alkanes;

Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

b. The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate (540-88-5).

- 200.70 OPEN OUTDOOR FIRE** - Any combustion of material of any type outdoors, where the products of combustion are not directed through a flue.
- 200.71 OPERATION** - Any physical action resulting in a change in the location, form, or physical properties of a material, or any chemical action resulting in a change in the chemical composition or properties of a material.
- 200.72 ORGANIC COMPOUND** - Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- 200.73 ORGANIC LIQUID** - Any organic compound which exists as a liquid under any actual conditions of use, transport, or storage.
- 200.74 OWNER AND/OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
- 200.75 PARTICULATE MATTER** - Any material, except condensed water containing no more than analytical trace amounts of other chemical elements or compounds, which has a nominal aerodynamic diameter smaller than 100 microns (micrometers), and which exists in a finely divided form as a liquid or solid at actual conditions.
- 200.76 PERMITTING AUTHORITY** - The department or a County department or agency that is charged with enforcing a permit program adopted under ARS §49-480, Subsection A.

200.77 PERSON - Any individual, public or private corporation, company, partnership, firm, association or society of persons, the Federal Government and any of its departments or agencies, or the State and any of its agencies, departments or political subdivisions.

200.78 PHYSICAL CHANGE - Any replacement, addition, or alteration of equipment that is not already allowed under the terms of the source's permit.

200.79 "PM_{2.5}" - Particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 microns (micrometers), as measured by the applicable State and Federal Reference Test Methods.

~~200.79~~ **200.80** **PM₁₀** - Particulate matter with a nominal an aerodynamic diameter smaller less than or equal to a nominal 10 microns (micrometers), as measured by the applicable State and Federal Reference Test Methods.

~~200.80~~ **200.81** **POLLUTANT** – An air contaminant the emissions or ambient concentration of which is regulated under these rules.

~~200.81~~ **200.82** **POLLUTION CONTROL PROJECT** - Any activity or project undertaken at an existing electric utility steam generating unit to reduce emissions from the unit. The activities or projects are limited to:

- a. The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls, and electrostatic precipitators;
- b. An activity or project to accommodate switching to a fuel less polluting than the fuel used before the activity or project, including but not limited to natural gas or coal reburning, or the co-firing of natural gas and other fuels for the purpose of controlling emissions;
- c. A permanent clean coal technology demonstration project, conducted under Title II, Section 101(d) of the Further Continuing Appropriation Act of 1985 (42 U.S.C. 5903(d)) or subsequent appropriations up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the EPA; or
- d. A permanent clean coal technology demonstration project that constitutes a repowering project.

~~200.82~~ **200.83** **PORTABLE SOURCE** – Any stationary source that is capable of being transported and operated in more than one county of this state.

~~200.83~~ **200.84** **POTENTIAL TO EMIT** - The maximum capacity of a stationary source to emit pollutants, excluding secondary emissions, under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design, if the limitation or the effect it would have on emissions is federally enforceable.

~~200.84~~ **200.85** **PROPOSED PERMIT** - The version of a permit for which the Control Officer offers public participation under Rule 210 (Title V Permit Provisions) of these rules or offers affected State review under Rule 210 (Title V Permit Provisions) of these rules.

~~200.85~~ **200.86** **PROPOSED FINAL PERMIT** - The version of a Title V permit that the Control Officer proposes to issue and forwards to the Administrator of EPA for review, in compliance with Rule 210 (Title V Permit Provisions) of these rules.

~~200.86~~ **200.87** **QUANTIFIABLE** - With respect to emissions, including the emissions involved in equivalent emission limits and emission trades, capable of being measured or otherwise determined in terms of quantity and assessed in terms of character. Quantification may be based on emission factors, stack tests, monitored values, operating

rates and averaging times, materials used in a process or production, modeling, or other reasonable measurement practices.

- ~~200.87~~ **200.88** **REACTIVATION OF A VERY CLEAN COAL-FIRED ELECTRIC UTILITY STEAM GENERATING UNIT** - Any physical change or change in the method of operation, associated with commencing commercial operations by a coal-fired utility unit after a period of discontinued operation, if the unit:
- Has not been in operation for the 2-year period before enactment of the Clean Air Act Amendments of 1990 and the emissions from the unit continue to be carried in the Maricopa County emissions inventory at the time of enactment;
 - Was equipped before shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85% and a removal efficiency for particulates of no less than 98%;
 - Is equipped with low nitrogen oxides (NO_x) burners before commencement of operations following reactivation; and
 - Is otherwise in compliance with the Act.
- ~~200.88~~ **200.89** **REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)** - For facilities subject to Regulation III (Control Of Air Contaminants) of these rules, the emissions limitation of the existing source performance standard. For facilities not subject to Regulation III (Control Of Air Contaminants) of these rules, the lowest emission limitation that a particular source is capable of achieving by the application of control technology that is reasonably available considering technological and economic feasibility. Such technology may previously have been applied to a similar, but not necessarily identical, source category. RACT for a particular facility, other than a facility subject to Regulation III (Control Of Air Contaminants) of these rules, is determined on a case-by-case basis, considering the technological feasibility and cost-effectiveness of the application of the control technology to the source category.
- ~~200.89~~ **200.90** **REFERENCE METHOD** - Any of the methods of sampling and analyzing for an air pollutant as described in the Arizona Testing Manual for Air Pollutant Emissions; 40 CFR 50, Appendices A through ~~K~~ L; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C.
- ~~200.90~~ **200.91** **REGULATED AIR POLLUTANT** - Any of the following:
- Any conventional air pollutant as defined in ARS §49-401.01, which means any pollutant for which the Administrator of EPA has promulgated a primary or a secondary national ambient air quality standard (NAAQS) (i.e., for carbon monoxide (CO), nitrogen oxides (NO_x), lead, sulfur oxides (SO_x) measured as sulfur dioxides (SO₂), ozone, and particulates).
 - Nitrogen oxides (NO_x) and volatile organic compounds (VOCs).
 - Any air contaminant that is subject to a standard contained in Rule 360 (New Source Performance Standards) of these rules or promulgated under Section 111 (Standards Of Performance For New Stationary Sources) of the Act.
 - Any hazardous air pollutant (HAP) as defined in ARS §49-401.01 or listed in Section 112(b) (Hazardous Air Pollutants; List Of Pollutants) of the Act.
 - Any Class I or II substance listed in Section 602 (Stratospheric Ozone Protection; Listing Of Class I And Class II Substances) of the Act.
- ~~200.91~~ **200.92** **REGULATORY REQUIREMENTS** - All applicable requirements, ~~Division~~ Department rules, and all State requirements pertaining to the regulation of air contaminants.

~~200.92~~ **200.93** **REPLICABLE** - With respect to methods or procedures sufficiently unambiguous such that the same or equivalent results would be obtained by the application of the method or procedure by different users.

~~200.93~~ **200.94** **REPOWERING** - The Control Officer shall give expedited consideration to permit applications for any source that satisfies the following criteria and that is granted an extension under Section 409 (Repowered Sources) of the Act:

- a. Repowering means replacing an existing coal-fired boiler with one of the following clean coal technologies:
 - (1) Atmospheric or pressurized fluidized bed combustion;
 - (2) Integrated gasification combined cycle;
 - (3) Magnetohydrodynamics;
 - (4) Direct and indirect coal-fired turbines;
 - (5) Integrated gasification fuel cells; or
 - (6) As determined by the Administrator of EPA, in consultation with the United States Secretary of Energy, a derivative of one or more of the above listed technologies; and
 - (7) Any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.
- b. Repowering also includes any oil, gas, or oil and gas-fired units which have been awarded clean coal technology demonstration funding as of January 1, 1991 by the United States Department of Energy.

~~200.94~~ **200.95** **REPRESENTATIVE ACTUAL ANNUAL EMISSIONS** - The average rate, in tons per year, at which the source is projected to emit a pollutant for the 2-year period after a physical change or change in the method of operation of a unit (or a different consecutive 2-year within 10 years after that change, if the Control Officer determines that the different period is more representative of source operations), considering the effect the change will have on increasing or decreasing the hourly emission rate and on projected capacity utilization. In projecting future emissions, the Control Officer shall:

- a. Consider all relevant information, including but not limited to historical operational data, the company's representations, filings with the Maricopa County, State or Federal regulatory authorities, and compliance plans under Title IV (Acid Deposition Control) of the Act; and
- b. Exclude, in calculating any increase in emissions that result from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions, following the change, that could have been accommodated during the representative baseline period and that is attributable to an increase in projected capacity utilization at the unit unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

~~200.95~~ **200.96** **RESPONSIBLE OFFICIAL** - One of the following:

- a. For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (1) The sources employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (2) The delegation of authority to such representatives is approved in advance by the permitting authority;
- b. For a partnership or sole proprietorship: A general partner or the proprietor, respectively;

- c. For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this rule, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or
- d. For affected sources:
 - (1) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV (Acid Deposition Control) of the Act or the regulations promulgated thereunder are concerned; and
 - (2) The designated representative for any other purposes under 40 CFR, Part 70.

~~200.96~~ 200.97 **SCHEDULED MAINTENANCE** - Preventive maintenance undertaken in order to avoid a potential breakdown or upset of air pollution control equipment.

~~200.97~~ 200.98 **SIGNIFICANT** -

- a. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any one of the following rates:

<u>Pollutant</u>	<u>Emissions Rate (TPY)</u>
Carbon Monoxide	100
Nitrogen Oxides	40
Sulfur Dioxide	40
Particulate Matter	25
PM ₁₀	15
VOC	40
Lead	0.6
Fluorides	3
Sulfuric Acid Mist	7
Hydrogen Sulfide (H ₂ S)	10
Total Reduced Sulfur (including hydrogen sulfide)	10
Reduced Sulfur Compounds (including hydrogen sulfide)	10
Municipal waste combustor organics (measured as total tetra-through- octa-chlorinated: dibenzo-p-dioxins and dibenzofurans)	3.5 x 10 ⁻⁶
Municipal waste combustor metals (measured as particulate matter)	15
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50

- b. In ozone nonattainment areas classified as serious or severe, significant emissions of VOC shall be determined under Rule 240 (Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources) of these rules.
- c. In reference to a regulated air pollutant that is not listed in ~~subsection 200.97(a)~~ Section 200.98(a) of this rule, is not a Class I nor a Class II substance listed in Section 602 (Listing Of Class I And Class II Substances) of the Act, and is not a hazardous air pollutant according to ARS ~~§49-401.01(11)~~ §49-401.01(16), any emissions rate.

- d. Notwithstanding the emission amount listed in ~~subsection 200.97(a)~~ Section 200.98(a) of this rule, any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers (6.2 miles) of a Class I area and which would have an impact on the ambient air quality of such area equal to or greater than 1 microgram/cubic meter (mg/m³) (24-hour average).

~~200.98~~ **200.99** **SOLVENT-BORNE COATING MATERIAL** - Any liquid coating-material in which the solvent is primarily or solely a VOC. For the purposes of this definition, “primarily” means that of the total solvent mass that evaporates from the coating, the VOC portion weighs more than the non-VOC portion.

~~200.99~~ **200.100** **SOURCE** - Any building, structure, facility, or installation that may cause or contribute to air pollution.

~~200.100~~ **200.101** **SPECIAL INSPECTION WARRANT** - An order, in writing, issued in the name of the State of Arizona, signed by a magistrate, directed to the Control Officer or his deputies authorizing him to enter into or upon public or private property for the purpose of making an inspection authorized by law.

~~200.101~~ **200.102** **STANDARD CONDITIONS** - ~~A gas temperature of 60 degrees Fahrenheit (°F) and a gas pressure of 14.7 pounds per square inch absolute (psia).~~ A temperature of 293K (68 degrees Fahrenheit or 20 degrees Celsius) and a pressure of 101.3 kilopascals (29.92 in. Hg or 1013.25 mb). When applicable, all analyses and tests shall be calculated and reported at standard gas temperatures and pressure values.

~~200.102~~ **200.103** **STATE IMPLEMENTATION PLAN (SIP)** - The plan adopted by the State of Arizona which provides for implementation, maintenance, and enforcement of such primary and secondary ambient air quality standards as are adopted by the Administrator of EPA under the Act.

~~200.103~~ **200.104** **STATIONARY SOURCE** - Any source that operates at a fixed location and that emits or generates regulated air pollutants.

~~200.104~~ **200.105** **SYNTHETIC MINOR** - Any source whose maximum capacity to emit a pollutant under its physical and operational design would exceed the major source threshold levels but is restricted by an enforceable emissions limitation that prevents such source from exceeding major source threshold levels.

~~200.105~~ **200.106** **TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT** - A clean coal technology demonstration project operated for 5 years or less and that complies with the SIP and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.

~~200.106~~ **200.107** **TITLE V** - Title V of the Federal Clean Air Act as amended in 1990 and the 40 CFR Part 70 EPA regulations adopted to implement the Act.

200.108 **TOTAL REDUCED SULFUR (TRS)** - The sum of the sulfur compounds, primarily hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during kraft pulping and other operations and measured by Method 16 in 40 CFR 60, Appendix A.

~~200.107~~ **200.109** **TRADE SECRETS** - Information to which all of the following apply:

- a. A person has taken reasonable measures to protect from disclosure and the person intends to continue to take such measures.
- b. The information is not, and has not been, reasonably obtainable without the person’s consent by other persons, other than governmental bodies, by use of legitimate means, other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding.

- c. No statute, including ARS §49-487, specifically requires disclosure of the information to the public.
- d. The person has satisfactorily shown that disclosure of the information is likely to cause substantial harm to the business's competitive position.

~~200.108~~ **200.110 TRIVIAL ACTIVITY** – For the purpose of this rule, a trivial activity shall be any activity, process, or emissions unit that, in addition to meeting the criteria for insignificant activity, has extremely low emissions. No activity, process, or emissions unit that is conducted as part of a manufacturing process or is related to the source's primary business activity shall be considered trivial. Trivial activities are listed in Appendix E of these rules and may be omitted from Title V permit applications and from Non-Title V permit applications.

~~200.109~~ **200.111 UNCLASSIFIED AREA** - An area which the Administrator of EPA, because of lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant. For purposes of these rules, unclassified areas are to be treated as attainment areas.

~~200.110~~ **200.112 VOLATILE ORGANIC COMPOUND (VOC)** - Any organic compound which participates in atmospheric photochemical reactions, except the non-precursor organic compounds.

SECTION 300 - STANDARDS

- 301 AIR POLLUTION PROHIBITED:** No person shall discharge from any source whatever into the atmosphere regulated air pollutants which exceed in quantity or concentration that specified and allowed in these rules, the Arizona Administrative Code or ARS, or which cause damage to property, or unreasonably interfere with the comfortable enjoyment of life or property of a substantial part of a community, or obscure visibility, or which in any way degrade the quality of the ambient air below the standards established by the Board of Supervisors or the Director.
- 302 APPLICABILITY OF MULTIPLE RULES:** Whenever more than one standard in this rule applies to any source or whenever a standard in this rule and a standard in the Maricopa County Air Pollution Control Regulations Regulation III (Control Of Air Contaminants) applies to any source, the rule or combination of rules resulting in the lowest rate or lowest concentration of regulated air pollutants released to the atmosphere shall apply, unless otherwise specifically exempted or designated.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS:** Any application form or report submitted under these rules shall contain certification by a responsible official of truth, accuracy, and completeness of the application form or report as of the time of submittal. This certification and any other certification required under these rules shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- 402 CONFIDENTIALITY OF INFORMATION:**
 - 402.1** The Control Officer shall make all permits, including all elements required to be in the permit under Rule 210 (Title V Permit Provisions) of these rules and Rule 220 (Non-Title V Permit Provisions) of these rules, available to the public.
 - 402.2** Any records, reports, or information obtained from any person under these rules shall be available to the public, unless the Control Officer has notified the person in writing as specified in ~~subsection~~ Section 402.3 of this rule and unless a person:

- a. Precisely identifies the information in the permit(s), records, or reports, which is considered confidential.
 - b. Provides sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets as defined in Section ~~200.107~~ 200.109 of this rule.
- 402.3** Within 30 days of receipt of a notice of confidentiality that complies with ~~subsection~~ Section 402.2 of this rule, the Control Officer shall make a determination as to whether the information satisfies the requirements for trade secrets as described in Section ~~200.107~~ 200.109 of this rule and so notify the applicant in writing. If the Control Officer agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Control Officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential.
- 402.4** A claim of confidentiality shall not excuse a person from providing any and all information required or requested by the Control Officer.
- 402.5** A claim of confidentiality shall not be a defense for failure to provide such information.

SECTION 500 - MONITORING AND RECORDS

- 501 REPORTING REQUIREMENTS:** The owner and/or operator of any air pollution source shall maintain records of all emissions testing and monitoring, records detailing all malfunctions which may cause any applicable emission limitation to be exceeded, records detailing the implementation of approved control plans and compliance schedules, records required as a condition of any permit, records of materials used or produced, and any other records relating to the emission of air contaminants which may be requested by the Control Officer.
- 502 DATA REPORTING:** When requested by the Control Officer, a person shall furnish to the ~~Division~~ Department information to locate and classify air contaminant sources according to type, level, duration, frequency, and other characteristics of emissions and such other information as may be necessary. This information shall be sufficient to evaluate the effect on air quality and compliance with these rules. The owner and/or operator of a source requested to submit information under Section 501 of this rule may subsequently be required to submit annually, or at such intervals specified by the Control Officer, reports detailing any changes in the nature of the source since the previous report and the total annual quantities of materials used or air contaminants emitted.
- 503 EMISSION STATEMENTS REQUIRED AS STATED IN THE ACT:** Upon request of the Control Officer and as directed by the Control Officer, the owner and/or operator of any source which emits or may emit oxides of nitrogen (NO_x) or volatile organic compounds (VOC) shall provide the Control Officer with an emission statement, in such form as the Control Officer prescribes, showing measured actual emissions or estimated actual emissions of NO_x and VOC from that source. At a minimum, the emission statement shall contain all information contained in the "~~Guidance on Emission Statements~~" document as described in the AIRS Fixed Format Report (AFP-644) required by the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A, which is incorporated by reference in Appendix G. The statement shall contain emissions for the time period specified by the Control Officer. The statement shall also contain a certification by a responsible official of the company that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. ~~The first statement will cover 1992 emissions and shall be submitted to the Division by April 30, 1993.~~ Statements shall be submitted annually ~~thereafter to the~~ Department. The Control Officer may waive this requirement for the owner and/or operator of any source

which emits less than 25 tons per year of oxides of nitrogen or volatile organic compounds with an approved emission inventory for sources based on AP-42 or other methodologies approved by the Administrator of EPA.

504 RETENTION OF RECORDS: Information and records required by applicable requirements and copies of summarizing reports recorded by the owner and/or operator and submitted to the Control Officer shall be retained by the owner and/or operator for 5 years after the date on which the information is recorded or the report is submitted. Non-Title V sources may retain such information, records, and reports for less than 5 years, if otherwise allowed by these rules.

505 ANNUAL EMISSIONS INVENTORY REPORT:

505.1 Upon request of the Control Officer and as directed by the Control Officer, the owner and/or operator of a business shall complete and shall submit to the Control Officer an annual emissions inventory report. The report is due by April 30, or 90 days after the Control Officer makes the inventory form(s) available, whichever occurs later. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed.

505.2 The annual emissions inventory report shall be in the format provided by the Control Officer.

505.3 The Control Officer may require submittal of supplemental emissions inventory information forms for air contaminants under ARS §49-476.01, ARS §49-480.03, and ARS §49-480.04.

Adopted 03/15/06

APPENDIX G

Incorporated Materials

- 1.** The following test methods and protocols located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the Department under the Maricopa County Air Pollution Control Rules and Regulations. These standards are incorporated by reference revised as of July 1, 2004, and no future editions or amendments.
 - a. 40 CFR 50;
 - b. 40 CFR 50, Appendices A through N;
 - c. 40 CFR 51, Appendix M, Appendix S, Section IV, and Appendix W;
 - d. 40 CFR 52, Appendices D and E;
 - e. 40 CFR 53;
 - f. 40 CFR 58;
 - g. 40 CFR 58, all appendices;
 - h. 40 CFR 60, all appendices;
 - i. 40 CFR 61, all appendices;
 - j. 40 CFR 63, all appendices;
 - k. 40 CFR 75, all appendices.
- 2.** The following documents are incorporated by reference and are approved for use as directed by the Department under the Maricopa County Air Pollution Control Rules and Regulations. These documents are incorporated by reference as of the year specified below, and no future editions or amendments.
 - a. The Arizona Department of Environmental Quality's (ADEQ) "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992, and no future editions or amendments.
 - b. All American Society for Testing and Materials (ASTM) test methods referenced in the Maricopa County Air Pollution Control Rules and Regulations as of the year specified in the reference, and no future editions or amendments.
 - c. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987", and no future editions or amendments.

- d. EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, and Updates 2001, 2002, 2003, and 2004 and no future editions.
 - e. EPA guidance document "Guidelines for Determining Capture Efficiency", January 9, 1995, and no future editions or amendments.
 - f. 2002 US NAICS Manual, "North American Industry Classification System - United States", National Technical Information Service, US Census Bureau, 2002, and no future editions or amendments.
- 3.** The following federal regulations located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the Department under the Maricopa County Air Pollution Control Rules and Regulations. These standards are incorporated by reference revised as of July 1, 2004, and no future editions or amendments.
- a. The Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A.
 - b. 40 CFR 75

Availability of Information: Copies of these standards are on file with the Department and are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or call (602) 506-6010 for information.

**NOTICE OF FINAL RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
REGULATION III
RULE 317 – HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS
RULE 321 – MUNICIPAL SOLID WASTE LANDFILLS
RULE 360 – NEW SOURCE PERFORMANCE STANDARDS
RULE 370 – FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM
RULE 371 – ACID RAIN**

[M06-203]

PREAMBLE

1. <u>Sections Affected</u>	<u>Rulemaking Action</u>
Rule 317 § Index	Amend
Rule 317 § 100	Amend
Rule 317 § 200	Amend
Rule 317 § 300	Amend
Rule 321 § 100	Amend
Rule 321 § 300	Amend
Rule 360 § Index	Amend
Rule 360 § 100	Amend
Rule 360 § 200	Amend
Rule 360 § 300	Amend
Rule 370 § Index	Amend
Rule 370 § 100	Amend
Rule 370 § 200	Amend
Rule 370 § 300	Amend
Rule 370 § 400	Amend
Rule 370 § Table I	Amend
Rule 371 § 100	Amend
Rule 371 § 300	Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):

Authorizing statutes: Arizona Revised Statutes (ARS) § 49-112(A), § 49-479 and §49-480

Implementing Statute: Arizona Revised Statutes (ARS) § 49-406(G), § 49-479

3. The effective date of the rules:

Date of adoption by the Board of Supervisors: March 15, 2006

4. A list of all previous notices appearing in the *Register* addressing the final rule:

a. Notice of Rulemaking Docket Opening: 11 A.A.R. 4395, November 4, 2005

b. Notice of Proposed Rulemaking: 11 A.A.R. 4396, November 4, 2005

5. The name and address of department personnel with whom persons may communicate regarding the rulemaking:

Name: Hilary R Hartline or Jo Crumbaker, Maricopa County Air Quality Dept.

Address: 1001 North Central Avenue, Suite # 695, Phoenix, AZ 85004

Telephone Number: 602-506-3476 or 602-506-6705

Fax Number: 602-506-6179

E-Mail Address: hhartline@mail.maricopa.gov or jcrumbak@mail.maricopa.gov

6. An explanation of the rule, including the department's reasons for initiating the rule:

Maricopa County is updating its incorporations by reference of the following federal regulations: New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and Acid Rain as follows:

Rule 317: 40 CFR 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 is incorporated by reference as of July 1, 2004.

Rule 321: 40 CFR 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills, is incorporated by reference as of July 1, 2004.

Rule 360: Updates to the federal NSPS regulations at 40 CFR 60 are incorporated as of July 1, 2004.

Rule 370: Updates to the federal NESHAP regulations at 40 CFR 61 and 40 CFR 63 are incorporated as of July 1, 2004.

Rule 371: Updates to the federal Acid Rain regulations at 40 CFR 72, 74, 75, and 76 are incorporated as of July 1, 2004.

The Maricopa County Air Quality Department will be requesting delegation of authority for enforcement of the revisions in Rules 317, 321, 360, 370 and 371 from the U.S. Environmental Protection Agency (EPA).

A description of the new incorporations by reference, and amendments to the existing incorporations by reference, follows:

40 CFR 60, NSPS

Part 60, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984. [Amended at 68 FR 59328 - 59333, 10/15/03] These final rule amendments were promulgated by EPA pursuant to a settlement agreement with the American Forest and Paper Association regarding their petition for judicial review of a March 27, 2000 memorandum issued by the EPA. In the March 27, 2000 memorandum, the EPA stated that process tanks are "storage vessels" under the definition in 40 CFR 60, Subpart Kb. These final rule amendments exempt certain storage vessels by capacity and vapor pressure, exempts process tanks, and adds the process tank definition. The final rule also amended the performance standards to exempt storage vessels that are subject to the National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.

Part 60, Subpart Ec - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996. [Corrected at 68 FR 61759, 10/30/03] EPA promulgated minor corrections to 40 CFR 60.51c in this correction. Note: Rule 317 also incorporates 40 CFR Subpart Ec by reference.

Part 60, Subpart XX - Standards of Performance for Bulk Gasoline Terminals. [Amended at 68 FR 70960 - 70966, 12/19/03] These final amendments provide clarification and alternatives to enhance the flexibility of the recordkeeping and testing requirements under 40 CFR 60, Subpart XX.

40 CFR 61, NESHAP

Part 61, Subpart M - National Emission Standard for Asbestos. [Amended & Direct final rule at 68 FR 54790 - 54793, 9/18/03] In this action, the EPA amended the citation for labeling containers of asbestos waste materials based on requirements in the Occupational Safety and Health Administration (OSHA) asbestos standard for the construction industry for proper labeling of asbestos waste. The amendment was made to correctly cite the appropriate numbering of the provisions in the OSHA regulations.

Part 61, Subpart FF - National Emission Standard for Benzene Waste Operations. [Amended & Direct final rule at 67 FR 68526 - 68533, 11/12/02; Partially withdrawn at 68 FR 6082, 2/6/03; Amended at 68 FR 67932 - 67936, 12/4/03] In the first rulemaking, the EPA amended the NESHAP for benzene waste operations by adding an exemption for organic vapors routed to the fuel gas system, and also adding a new compliance option for tanks. The EPA also clarified the standards for containers. In the second rulemaking, the EPA withdrew part of the direct final rule promulgated on 11/12/02 due to adverse comments received. In the third rulemaking, the EPA addressed the adverse comments received and corrected a cross-reference error.

40 CFR 63, NESHAP

Part 63, Subpart A - General Provisions. **Part 63, Subpart B** - Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j). [Final rule, amendments; 68 FR 32586 - 32603, 5/30/03] These final rule amendments establish a new timetable for the submission of section 112(j) Part 2 applications, and modify the content requirements for Part 2 applications. These final rule amendments also established revised procedures for requests for applicability determination previously submitted under the section 112(j) rule, and for section 112(j) applications submitted by sources that previously obtained a case-by-case determination under Clean Air Act (CAA) section 112(g). These final rule amendments also adopt various amendments to the NESHAP General Provisions governing startup, shutdown, and malfunction plans, some of which were proposed by EPA pursuant to a settlement agreement in a judicial action.

Part 63, Subpart C - List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List. [Added at 61 FR 30816 - 30823, 6/18/96; 65 FR 47342 - 47348, 08/2/00; 69 FR 69320 - 69325, 11/29/04] These three separate rulemakings removed or modified substances from the list of Hazardous Air Pollutants (HAP) in Section 112(b)(1) of the CAA. The first rulemaking removed caprolactam from the HAP list in response to a petition EPA received from AlliedSignal, Inc., BASF Corporation, and DSM Chemicals North America. The second rulemaking revised the definition of glycol ethers to exclude each individual compound in a group called the surfactant alcohol ethoxylates and their derivatives (SAED) from the glycol ethers category in the list of HAP. The rulemaking was issued by the EPA in response to an analysis of potential exposure and hazards of SAED that was prepared by the Soap and Detergent Association. The third rulemaking removed the compound ethylene glycol monobutyl ether (EGBE) (2-Butoxyethanol) from the group of glycol ethers in the HAP list. This action was taken in response to a petition to delete the substance submitted by the Ethylene Glycol Ethers Panel of the American Chemistry Council (formerly the Chemical Manufacturers Association) on behalf of EGBE producers and consumers.

Special note on EGBE: Although this chemical was removed from the federal HAP list in the November 29, 2004 rule, several of the EPA actions below preceded this removal and list EGBE as a HAP emitted.

Part 63, Subpart J - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production. [Added at 67 FR 45886 - 45893, 7/10/02] In this action, EPA promulgated NESHAP for the Polyvinyl Chloride (PVC) and Copolymers Production source category. In this rule, EPA requires that new sources with equipment leaks must comply with the most current technology standards in the Generic maximum achievable control technology (MACT) rule.

Part 63, Subpart MM - National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills. [Direct Final Rule amendments 68 FR 7706 - 7718, 2/18/03] In the February 18, 2003 ruling, EPA took direct final action on amendments to the NESHAP for chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semichemical pulp mills, which were issued on January 12, 2001. The amendments clarify and consolidate the monitoring and testing requirements and add a site-specific alternative standard for one pulp mill. [Final rule amendments 68 FR 42603 - 42605, 7/18/03] In the July 18, 2003 rule, EPA amended Part 63, Subpart MM by deleting provisions which were the subject of adverse comments from the February 18, 2003 final rule. EPA also made minor corrections to Part 63, Subpart MM. [Final rule technical corrections 68 FR 67953 - 67955, 12/5/03] In the December 5, 2003 final rule, EPA restored provisions which were inadvertently deleted by the 7/18/03 amendments and restored a provision which was inadvertently omitted from the 1/12/01 final rule. [Final rule technical corrections 69 FR 25321 - 25324, 5/6/04] In the May 6, 2004 final rule, EPA corrected several cross-references in Part 63, Subpart MM in order to be consistent with the text shifts made in the February 18, 2003 amendments.

Part 63, Subpart SS - National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process; **Part 63, Subpart TT** - National Emission Standards for Equipment Leaks - Control Level 1; **Part 63, Subpart UU** - National Emission Standards for Equipment Leaks - Control Level 2 Standards; **Part 63, Subpart WW** - National Emission Standards for Storage Vessels (Tanks) - Control Level 2; **Part 63, Subpart XX** - National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations; **Part 63, Subpart YY** - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards. [Added and Revised at 67 FR 46258 - 46289, 7/12/02] This action added NESHAPs for four additional source categories: Cyanide Chemicals Manufacturing, Carbon Black Production, Ethylene Production, and Spandex Production. EPA identified these four source categories as major sources of hazardous air pollutants (HAP), including cyanide compounds, acrylonitrile, acetonitrile, carbonyl sulfide, carbon disulfide, benzene, 1,3-butadiene, toluene, and 2,4-toluene diisocyanate (TDI). These standards implement section 112(d) of the Clean Air Act (CAA) by requiring all major sources to meet HAP emission standards reflecting the application of MACT. This action also promulgated NESHAP for the heat exchange systems and wastewater operations at ethylene manufacturing facilities. The EPA has also amended **Part 63, Subpart YY** in direct final rule amendments published at 67 FR 46289 - 46293, 7/12/02. This latter action amends the "generic" MACT standards to clarify EPA's intent concerning dry spinning spandex production processes. The EPA has also amended **Part 63, Subpart XX** in final rule amendments published at 68 FR 70960 - 70966, 12/19/03 (Note: This latter final rule also amends **Part 63, Subpart R**).

Part 63, Subpart EEE - National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors. [Technical Correction 67 FR 77687 - 77692, 12/19/02] In this action, EPA corrected technical errors in 40 CFR 63, Subpart EEE.

Part 63, Subpart JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins. [Correction 69 FR 31008, 6/2/04] EPA has corrected 40 CFR Part 63, Subpart JJJ in this rulemaking.

Part 63, Subpart LLL - National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry. [Partial withdrawal of direct final rule 67 FR 44371 - 44372, 7/2/02] On April 5, 2002, the EPA promulgated amendments to the NESHAP for the portland cement manufacturing industry as a direct final rule. EPA has withdrawn the corresponding parts of that direct final rule for which adverse comments were received. [Final rule; clarifications and correction 67 FR 44766 - 44769, 7/5/02] The action on July 5, 2002 corrects requirements for the

portland cement manufacturing industry that were published in the 4/5/02 Federal Register. [Final rule amendments 67 FR 72580 - 72585, 12/6/02] In the December 6, 2002 final rule, EPA took final action on certain amendments to the NESHAP for the portland cement manufacturing industry. These amendments make improvements to the implementation of the emission standards, primarily in the areas of applicability, testing, and monitoring where issues and questions were raised since promulgation of the rule.

Part 63, Subpart MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production. [Final Rule 67 FR 59336 - 59356, 9/30/02] In this 9/30/02 final rule, EPA took final action on amendments proposed on 4/10/02 and corrected inconsistencies that have been discovered since EPA originally promulgated the rule.

Part 63, Subpart QQQ - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting. [Added at 67 FR 40478 - 40506, 6/12/02] This action promulgated NESHAP for primary copper smelting. Primary copper smelters can potentially emit significant amounts of certain toxic metals listed as HAP under CAA section 112(b)(1), including antimony, arsenic, beryllium, cadmium, cobalt, lead, manganese, nickel and selenium. This final rule established emissions limitations and work practice standards for primary copper smelters that are (or a part of) a major source of HAP emissions and that use batch copper converters. The standards reflect the application of MACT.

Part 63, Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production. [Withdrawal of direct final rule 67 FR 52616 - 52617, 8/13/02] On June 14, 2002, the EPA promulgated amendments to the NESHAP for the secondary aluminum production industry as a direct final rule. In this action, EPA has withdrawn the entire direct final rule due to adverse comments received. [Amended at 67 FR 59787 - 59793, 9/24/02] In the September 24, 2002 action, EPA promulgated final amendments to the NESHAP for the secondary aluminum production industry based on the June 14, 2002 proposal. [Corrected at 67 FR 68038, 11/8/02] In the November 8, 2002 final action, EPA corrected effective dates for the NESHAPs. [Amended at 67 FR 79808 - 79819, 12/30/02] The December 30, 2002 action amended the applicability provisions for aluminum die casters, foundries, and extruders. The amendments also added new provisions governing control of commonly-ducted units; revised the procedures for adoption of operation, maintenance, and monitoring plans; revised the criteria concerning testing of representative emission units; revised the standard for unvented in-line flux boxes; and clarified the control requirements for sidewall furnaces. These changes were made pursuant to settlement agreements in two cases.

Part 63, Subpart VVV - National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works. [Final rule amendments 67 FR 64742 - 64746, 10/21/02] In this action, EPA promulgated amendments which were proposed pursuant to a settlement agreement regarding a petition for judicial review of the publicly owned treatment works NESHAP.

Part 63, Subpart EEEE - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline). [Added at 69 FR 5038 - 5087, 2/3/04] This final rule promulgated NESHAP for new and existing organic liquids distribution (non-gasoline) operations, which are carried out at storage terminals, refineries, crude oil pipeline stations, and various manufacturing facilities. The most prevalent organic HAP emitted nationwide from these operations are benzene, ethylbenzene, toluene, vinyl chloride, and xylenes. These NESHAP implement section 112(d) of the CAA by requiring the application of MACT for plant sites that are major sources.

Part 63, Subpart FFFF - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing. [Added at 68 FR 63852 - 63911, 11/10/03] In this action, EPA promulgated NESHAP for miscellaneous organic chemical manufacturing facilities. The final rule established emission limits and work practice standards for new and existing miscellaneous organic chemical manufacturing process units, wastewater treatment and conveyance systems, transfer operations, and associated ancillary equipment. The HAP emitted from miscellaneous organic chemical manufacturing facilities include toluene, methanol, xylene, hydrogen chloride, and methylene chloride. The standards reflect the application of MACT.

Part 63, Subpart IIII - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks. [Added at 69 FR 22602 - 22661, 4/26/04] This final rule promulgates NESHAP for automobile and light-duty truck surface coating operations located at major sources of HAP. The primary HAP emitted by these operations are toluene, xylene, glycol ethers, methyl ethyl ketone, methyl isobutyl ketone, ethylbenzene, and methanol. These NESHAP implement section 112(d) of the CAA by requiring the application of MACT. This action also amends the Surface Coating of Miscellaneous Metal Parts and Products NESHAP (40 CFR part 63, subpart MMMM) and the Surface Coating of Plastic Parts and Products NESHAP (40 CFR part 63, subpart PPPP) to clarify the interaction between these rules and this NESHAP.

Part 63, Subpart JJJJ - National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating. [Added at 67 FR 72330 - 72362, 12/4/02] This action finalizes NESHAP for facilities that coat paper and other web substrates and are major sources of HAP emissions. The standards implement section 112(d) of the CAA to protect public health and the environment by reducing HAP emissions from new and existing facilities.

Part 63, Subpart KKKK - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans. [Added at 68 FR 64432 - 64480, 11/13/03] In this final rule, EPA promulgated NESHAP for metal can surface coating operations located at major sources of HAP. The HAP emitted by these facilities include ethylene glycol monobutyl ether and other glycol ethers, xylenes, hexane, methyl isobutyl ketone, and methyl ethyl ketone. The final standards implement section 112(d) of the CAA by requiring the application of MACT.

Part 63, Subpart MMMM - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products. [Added at 69 FR 130 - 192, 1/2/04] This action finalizes NESHAP for miscellaneous metal parts and products surface coating operations located at major sources of HAP. The final rule will protect air quality and promote the public health by reducing emissions of HAP from facilities in the miscellaneous metal parts and products surface coating source category. The organic HAP emitted by these operations include xylenes, toluene, methyl ethyl ketone, phenol, cresols/cresylic acid, glycol ethers, styrene, methyl isobutyl ketone, and ethyl benzene. The standards reflect the application of MACT.

Part 63, Subpart NNNN - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances. [Added at 67 FR 48254 - 48288, 7/23/02] This final rule promulgated NESHAP for existing and new facilities that apply surface coatings to large appliances. The intent of the standards is to protect the public by requiring new and existing major sources to control emissions with the implementation of MACT. The HAP typically emitted by these sources include glycol ethers, methylene diphenyl diisocyanate, methyl ethyl ketone, toluene, and xylene.

Part 63, Subpart OOOO - National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles. [Added at 68 FR 32172 - 32229, 5/29/03] In this final rule, EPA promulgated NESHAP for existing and new fabric and other textile coating, printing, slashing, dyeing and finishing operations. The final standards implement section 112(d) of the CAA by requiring all major sources to meet the HAP emission standards reflecting the application of the MACT. The principal HAP emitted by these sources include toluene, methyl ethyl ketone, methanol, xylenes, methyl isobutyl ketone, methylene chloride, trichloroethylene, n-hexane, glycol ethers, and formaldehyde.

Part 69, Subpart PPPP - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products. [Added at 69 FR 20968 - 21022, 4/19/04 and amended at 69 FR 22602 - 22661, 4/26/04] This action promulgates NESHAP for plastic parts and products surface coating operations located at major sources of HAP. The final rule will protect air quality and promote the public health by reducing emissions of HAP from these facilities and requiring the application of MACT. The organic HAP emitted by these operations include methyl ethyl ketone, methyl isobutyl ketone, toluene, ethylene glycol monobutyl ether and other glycol ethers, and xylenes.

Part 63, Subpart QQQQ - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products. [Added at 68 FR 31746 - 31788, 5/28/03] This final rule promulgated NESHAP for wood building

products surface coating operations. The final standards establish emission limitations, operating limits and work practice requirements for all major sources that apply a surface coating to a wood building product. Wood building products surface coating operations emit several HAP, including xylenes, toluene, ethyl benzene, ethylene glycol monobutyl ether, other glycol ethers, methyl ethyl ketone, methyl isobutyl ketone, methanol, styrene and formaldehyde. The standards reflect the application of MACT.

Part 63, Subpart RRRR - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture. [Added at 68 FR 28606 - 28646, 5/23/03] In this final rule, the EPA promulgated NESHAP for new and existing metal furniture surface coating operations located at major sources of HAP emissions. Metal furniture surface coating operations emit HAPs such as xylene, toluene, ethylene glycol monobutyl ether and other glycol ethers, ethylbenzene, and methyl ethyl ketone. The final standards implement section 112(d) of the CAA by requiring the application of MACT.

Part 63, Subpart SSSS - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil. [Final rule technical correction 68 FR 12590 - 12592, 3/17/03] On June 10, 2002, EPA issued NESHAP for the surface coating of metal coil. This action corrected the timeline for beginning the first semiannual reporting period and submitting the first semiannual report as published in the NESHAP.

Part 63, Subpart VVVV - National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing. [Added at 66 FR 44218 - 44250, 8/22/01] This final rule promulgated NESHAP for new and existing boat manufacturing facilities. The processes regulated include fiberglass resin and gel coat operations, carpet and fabric adhesive operations, and aluminum recreational boat painting operations. The EPA has identified boat manufacturing as a major source of HAP, such as styrene, methyl methacrylate, methylene chloride, toluene, xylene, n-hexane, methyl ethyl ketone, methyl isobutyl ketone, and methyl chloroform. The standards reflect the application of MACT.

Part 63, Subpart WWWW - National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production. [Added at 68 FR 19375 - 19443, 4/21/03] In this final rule, EPA promulgated NESHAP for new and existing reinforced plastic composites production facilities. The NESHAP regulate production and ancillary processes used to manufacture products with thermoset resins and gel coats. Reinforced plastic composites production facilities emit HAP such as styrene, methyl methacrylate, and methylene chloride. The final standards implement section 112(d) of the CAA by requiring the application of MACT.

Part 63, Subpart XXXX - National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing. [Added at 67 FR 45588 - 45625, 7/9/02] This final rule promulgated NESHAP for new and existing sources at rubber tire manufacturing facilities. The EPA has identified rubber tire manufacturing facilities as major sources of HAP emissions. The primary HAP that will be controlled with the application of MACT in this action include toluene and hexane. [Final rule technical correction, 68 FR 11745 - 11747, 3/12/03] This action corrected errors and clarified regulatory text of the NESHAP for rubber tire manufacturing which was issued as a final rule on July 9, 2002.

Part 63, Subpart YYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines. [Added at 69 FR 10512 - 10548, 3/5/04] This action promulgated NESHAP for stationary combustion turbines. The EPA has identified stationary combustion turbines as major sources of HAP emissions, such as formaldehyde, toluene, benzene, and acetaldehyde. In the final NESHAP, EPA has divided the stationary combustion turbine category into eight subcategories. EPA has also adopted a final emission standard requiring control of formaldehyde emissions for all new or reconstructed stationary combustion turbines in the four lean premix diffusion flame subcategories. The standards reflect the application of MACT.

Part 63, Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. [Added at 69 FR 33474 - 33522, 6/15/04] This final rule promulgated NESHAP for stationary reciprocating internal combustion engines with a site-rating of more than 500 brake horsepower. The EPA has

identified stationary reciprocating internal combustion engines as major sources of HAP emissions such as formaldehyde, acrolein, methanol, and acetaldehyde. The final standards implement section 112(d) of the CAA by requiring the application of MACT.

Part 63, Subpart AAAAAA - National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants. [Added at 69 FR 394 - 433, 1/5/04] This action promulgated NESHAP for the lime manufacturing source category. The lime manufacturing emission units regulated will include lime kilns, lime coolers, and various types of processed stone handling operations. The EPA has identified the lime manufacturing industry as a major source of HAP emissions including, but not limited to, hydrogen chloride, antimony, arsenic, beryllium, cadmium, chromium, lead, manganese, mercury, nickel and selenium. The standards reflect the application of MACT.

Part 63, Subpart BBBBBB - National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing. [Added at 68 FR 27913 - 27931, 5/22/03] In this final rule, EPA promulgated NESHAP for new and existing semiconductor manufacturing operations located at major sources of emissions of HAP. The primary HAP that will be controlled with this action include hydrochloric acid, hydrogen fluoride, methanol, glycol ethers, and xylene. The intent of the standards is to protect public health and the environment by requiring new and existing major sources to control emissions to the level attainable by implementing the MACT.

Part 63, Subpart CCCCCC - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks. [Added at 68 FR 18008 - 18040, 4/14/03] This final rule promulgated NESHAP for coke ovens. The final standards establish emission limitations and work practice requirements for control of HAP from pushing, quenching, and battery stacks at new and existing coke oven batteries. The HAP emitted include coke oven emissions, as well as polycyclic organic matter and volatile organic compounds such as benzene and toluene. The standards reflect the application of MACT. The EPA previously promulgated emission standards addressing emissions from coke oven charging, topside leaks, and door leaks. [Correction 68 FR 19885, 4/22/03] EPA promulgated minor corrections in this FR notice.

Part 63, Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries. [Added at 69 FR 21906 - 21940, 4/22/04] In this final rule, EPA promulgated NESHAP for iron and steel foundries. The HAP emitted by facilities in the iron and steel foundries source category include metal and organic compounds. For iron and steel foundries that produce low alloy metal castings, metal HAP emitted are primarily lead and manganese with smaller amounts of cadmium, chromium, and nickel. For iron and steel foundries that produce high alloy metal or stainless steel castings, metal HAP emissions of chromium and nickel can be significant. Organic HAP emissions include acetophenone, benzene, cumene, dibenzofurans, dioxins, formaldehyde, methanol, naphthalene, phenol, pyrene, toluene, triethylamine, and xylene. The final standards implement section 112(d) of the CAA by requiring the application of MACT.

Part 63, Subpart FFFFFF - National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing. [Added at 68 FR 27646 - 27677, 5/20/03] In this final rule, EPA promulgated NESHAP for integrated iron and steel manufacturing facilities. The final standards establish emission limitations for HAP emitted from new and existing sinter plants, blast furnaces, and basic oxygen process furnace shops. The HAP emitted by integrated iron and steel manufacturing facilities include metals and trace amounts of organic HAP. The standards reflect the application of MACT.

Part 63, Subpart GGGGG - National Emission Standards for Hazardous Air Pollutants: Site Remediation. [Added at 68 FR 58172 - 58224, 10/8/03] This final rule promulgated NESHAP from site remediations. The final rule controls HAP emissions at major sources where remediation technologies and practices are used at the site to clean up contaminated environmental media or certain stored or disposed materials that pose a reasonable potential threat to contaminate environmental media. The final rule applies to certain types of site remediation activities that are conducted at facilities where non-remediation sources are a major source of HAP emissions, and requires the application of MACT.

Some site remediations already regulated by rules established under the Comprehensive Environmental Response and Compensation Liability Act or the Resource Conservation and Recovery Act are not subject to the final rule. The HAP emitted by site remediation activities can include benzene, ethyl benzene, toluene, vinyl chloride, xylenes, and other volatile organic compounds.

Part 63, Subpart HHHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing. [Added at 68 FR 69194 - 69201, 12/11/03] In this final rule, the EPA promulgated NESHAP for miscellaneous coating manufacturing facilities. The final rule established emission limits and work practice requirements for new and existing miscellaneous coating manufacturing operations, including process vessels, storage tanks, wastewater, transfer operations, equipment leaks, and heat exchange systems. The HAP emitted from miscellaneous coating manufacturing facilities include toluene, xylene, glycol ethers, methyl ethyl ketone, and methyl isobutyl ketone. The standards reflect the application of MACT. [Correction 68 FR 75033, 12/29/03] This final rule corrects a date in Part 63, Subpart HHHHH.

Part 63, Subpart IIIII - National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants. [Added at 68 FR 70904 - 70946, 12/19/03] This final rule promulgated NESHAP, specifically mercury emissions, from mercury cell chlor-alkali plants. The final rule will limit mercury emissions from these plants, and require the application of MACT. Mercury cell chlor-alkali plants are a subcategory of the chlorine production source category listed under the authority of section 112(c)(1) of the CAA. In addition, mercury cell chlor-alkali plants were listed as an area source category under section 112(c)(3) and (k)(3)(B) of the CAA. In this final action, the EPA also utilized its authority under section 112(d)(4) of the CAA not to regulate chlorine and hydrochloric acid emissions from the mercury cell chlor-alkali plant subcategory. [68 FR 70948 - 70957, 12/19/03] Note: In this final rule, EPA deleted the subcategory of sources that do not utilize mercury cells to produce chlorine and caustic from the source subcategory listing under Section 112(c)(1) of the CAA. EPA has been granted this authority under Section 112(c)(9) of the CAA.

Part 63, Subpart JJJJJ - National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing; **Part 63, Subpart KKKKK** - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing. [Added at 68 FR 26690 - 26755, 5/16/03] This action promulgated NESHAP for new and existing sources at brick and structural clay products manufacturing facilities and NESHAP for new and existing sources at clay ceramics manufacturing facilities. The two subparts will protect air quality and promote the public health by reducing emissions of several of the HAP listed in section 112(b)(1) of the CAA. [Corrections 68 FR 31744, 5/28/03] EPA promulgated minor corrections in this final rulemaking.

Part 63, Subpart LLLLL - National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing. [Added at 68 FR 22976 - 23007, 4/29/03; Republished at 68 FR 24562 - 24593, 5/7/03] In this final rule, EPA promulgated NESHAP for existing and new asphalt processing and asphalt roofing manufacturing facilities. The EPA has identified asphalt processing and asphalt roofing manufacturing facilities as major sources of HAP such as formaldehyde, hexane, hydrogen chloride, phenol, polycyclic organic matter, and toluene. The final standards implement section 112(d) of the CAA by requiring all major sources to meet HAP emission standards with application of MACT.

Part 63, Subpart MMMMM - National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations. [Added at 68 FR 18062 - 18080, 4/14/03] This action promulgated NESHAP for new and existing sources at flexible polyurethane foam fabrication facilities. The EPA has identified flexible polyurethane foam fabrication facilities as major sources of HAP emissions. The primary HAP that will be controlled with this action include hydrochloric acid, 2,4-toluene diisocyanate, and hydrogen cyanide. This action also precludes the use of methylene chloride. The standards reflect the application of MACT.

Part 63, Subpart NNNNN - National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production. [Added at 68 FR 19076 - 19103, 4/17/03] In this final rule, EPA promulgated NESHAP for hydrochloric acid (HCl)

production facilities, including HCl production at fume silica facilities. The primary HAP that will be controlled with this action is HCl. These standards implement section 112(d) of the CAA by requiring all major sources to meet HAP emission standards and implement work practice standards that reflect the application of MACT.

Part 63, Subpart P - National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands. [Added at 68 FR 28774 - 28804, 5/27/03] This action promulgated NESHAP for engine test cells/stands. EPA has identified engine test cells/stands as major sources of HAP such as toluene, benzene, mixed xylenes, and 1,3-butadiene. The standards reflect the application of MACT. [Correction 68 FR 51830, 8/28/03] EPA made a minor typographical correction in this rulemaking.

Part 63, Subpart Q - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities. [Added at 67 FR 64498 - 64512, 10/18/02] In this final rule, EPA promulgated NESHAP for new and existing friction materials manufacturing facilities. Some of these facilities, specifically those that perform solvent mixing, have been identified as major sources of HAP including n-hexane, toluene, and trichloroethylene. These standards require all major sources to meet HAP emission standards by applying MACT.

Part 63, Subpart R - National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing. [Added at 68 FR 61868 - 61903, 10/30/03] This final rule promulgated NESHAP for taconite iron ore processing facilities. The final standards establish emission limitations for HAP emitted from new and existing ore crushing and handling operations, ore dryers, indurating furnaces, and finished pellet handling operations. The HAP emitted by taconite iron ore processing facilities include metal compounds, products of incomplete combustion, and the acid gases hydrogen chloride and hydrogen fluoride. The standards reflect the application of MACT.

Part 63, Subpart S - National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing. [Added at 68 FR 18730 - 18785, 4/16/03] This action promulgated NESHAP for new and existing refractory products manufacturing facilities. The final rule will protect air quality and promote the public health by reducing emissions of several of the HAP listed in section 112(b)(1) of the CAA, including ethylene glycol, formaldehyde, hydrogen fluoride, hydrochloric acid, methanol, phenol, and polycyclic organic matter. The final rule requires all major sources to meet HAP emission standards with the application of MACT.

Part 63, Subpart T - National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining. [Added at 68 FR 58615 - 58629, 10/10/03] In this final rule, EPA promulgated NESHAP for primary magnesium refining facilities. The EPA has identified primary magnesium refining facilities as a major source of HAP emissions. The HAP emitted by facilities in the primary magnesium refining source category include chlorine, hydrochloric acid, dioxan/furan, and trace amounts of several HAP metals. The NESHAP implements section 112(d) of the CAA by requiring all major sources to meet HAP emission standards reflecting application of MACT.

40 CFR 72, 74, 75 and 76, Acid Rain

[Revised at 67 FR 53503 - 53505, 8/16/02 and 67 FR 57274, 9/9/02]

On June 12, 2002, EPA published final revisions to various provisions in 40 CFR parts 72 and 75 (67 FR 40394 - 40476). These revisions, which modified the existing requirements for sources affected by the Acid Rain Program and the NO_x Budget Trading Program under the October 27, 1998 NO_x SIP Call, were incorporated into Maricopa County rules in an 11/19/03 rulemaking. EPA has made corrections to the June 12, 2002 final rule, and has published these corrections in 67 FR 53503 - 53505 and 67 FR 57274. Maricopa County is incorporating those corrections into this rulemaking by updating the incorporations by reference of 40 CFR parts 72, 74, 75 and 76 in Rule 371 to July 1, 2004.

Technical Corrections:

In this rulemaking, Maricopa County amended the rules to make several technical corrections. Maricopa County changed the term "Maricopa County Environmental Services Department" to "Maricopa County Air Quality Department" in order to reflect the creation of the Maricopa County Air Quality Department on November 17, 2004. Maricopa County also

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updated the suite number and telephone number of the Maricopa County Air Quality Department. Maricopa County changed the term "subsection" to "section" when addressing sections of the Maricopa County Air Pollution Control Regulations in order to ensure consistency throughout the rules. Substantive revisions to these rules are discussed in the Section by Section Explanation of Changes.

Section by Section Explanation of Changes:

Rule 317, Hospital/Medical/Infectious Waste Incinerators

- Section 103 This revision adds an "Availability of Information" section to consolidate where materials incorporated by reference are located in Rule 317.
- Section 306 This revision updates the incorporation by reference date from "July 1, 2002" to "July 1, 2004" and corrects several references to 40 CFR 60, Subpart Ec.

Rule 321, Municipal Solid Waste Landfills

- Section 102 This revision adds the text "reconstruction, or modification" to reflect the language used in 40 CFR 60.32c(a) and R18-2-731(A)(1).
- Section 301 This revision updates the incorporation by reference date from "July 1, 2002" to "July 1, 2004".

Rule 360, New Source Performance Standards

- Section 201 With this revision, Maricopa County revised the definition of Administrator to clarify the authorities that are not granted to the Control Officer by EPA.
- Section 301 This revision updates the incorporation by reference date from "July 1, 2002" to "July 1, 2004". Maricopa County also revised this section to no longer list the authorities that EPA does not delegate to state and local agencies in Section 301, and to add the text "Incorporation by reference does not include nondelegable functions of the EPA Administrator." Maricopa County also revised the text in various sections of Rule 360, 301 for consistency with the text used in 40 CFR 60.
- Section 301.76/301.78 Maricopa County removed Section 301.76, Subpart BBBB - Standards of Performance for New Small Municipal Waste Combustion Units and Section 301.78, Subpart DDDD - Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units. Negative declarations were submitted to EPA for these two subparts: 66 FR 67096 (40 CFR 62.640) and 68 FR 49364 (40 CFR 62.650(b)) stating that there are no facilities subject to these regulations in Maricopa County.
- Section 302 Maricopa County added a new Section 302, Additional Requirements.

Rule 370, Federal Hazardous Air Pollutant Program

- Section 104 This revision updates the date from "2002" to "2004".
- Section 201 This revision adds a definition for "Administrator" to be consistent with the ADEQ rule at R18-2-1102(A). This definition clarifies the authorities that are not granted to the Control Officer by EPA.
- Section 202 This revision adds a definition for "amended water" as defined in 29 CFR 1926.1101(b).
- Section 205 (New) This revision adds a definition for "government-issued photo identification card" due to revisions to Section 301.8, Subpart M, asbestos.
- Section 205 (Old) Maricopa County has removed the definition of MACT because it is defined in the ARS at 49-401.01(21).
- Section 209 This revision updates the date from "2002" to "2004".
- Section 210 This revision removes the text "and after an applicable rule is adopted by the Board of Supervisors."
- Section 301 This revision updates the incorporation by reference date from "July 1, 2002" to "July 1, 2004". Maricopa County also revised this section to no longer list the authorities that EPA does not delegate to state and local agencies in Section 301, and to add the text "Incorporation by reference does not include nondelegable functions of the EPA Administrator." Maricopa County also revised the text in various sections of Rule 370, 301 for consistency with the text used in 40 CFR 61.
- Section 301.8 Maricopa County revised Subpart M, National Emission Standard for Asbestos. The substantive changes are discussed below.

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- Section 301.8(a)(3) This revision adds a new section specifying that notifications for asbestos will expire after one year. Large asbestos renovation and demolition projects that exceed one year in duration require the most commitment of Maricopa County inspection staff time, and may require multiple inspections. This revision also clarifies that for operations and maintenance renovations described in 40 CFR 61.145(a)(4)(iii), notifications will expire every December 31.
- Section 301.8(a)(4) This revision adds the word "thoroughly" to be consistent with the text used in 40 CFR 61.145(a), and also requires that the date of this inspection be included on the written notification.
- Section 301.8(b)(1)(b) This revision clarifies the intent of this section. The owner or operator of a facility is required to maintain inspection reports and laboratory test results onsite for two years, but the facility is only required to submit data to Maricopa County when an asbestos notification is submitted under Section 301.8(a)(2). Maricopa County also added the requirement that hard copies of all reports must be available at the facility upon the request of the Department.
- Section 301.8(b)(1)(c) Maricopa County revised this section to clarify that asbestos workers and contractor/supervisors must maintain current certifications, and to require that a legible copy of these certifications be available on-site during any active asbestos abatement work. Certification training for asbestos workers and contractor/supervisors is required by the Asbestos Hazard Emergency Response Act (AHERA) Model Accreditation Program (MAP) (40 CFR 763, Subpart E, Appendix C). The federal asbestos NESHAP at 40 CFR 61.145(c)(8) also requires asbestos NESHAP training, and for proof of this training to be posted at the demolition or renovation site.
- Section 301.8(b)(1)(d) Due to the false certifications that Maricopa County has discovered at asbestos worksites, Maricopa County is now requiring all asbestos workers and contractor/supervisors to have color photo identification on-site and available for inspection. In the AHERA MAP program, the EPA provides states with accreditation programs the option to issue photo identification cards. Maricopa County does not issue state photo identification cards for asbestos abatement, and is therefore allowing alternate forms of photo identification.
- Section 301.8(b)(2)(a) The text in this section has been revised to clarify the intent of this section.
- Section 301.8(b)(2)(b) This revision removes the text "and abatement", because the word "abatement" is redundant to the word "renovation" when used in reference to the asbestos NESHAP.
- Section 301.8(b)(2)(c) This revision adds the requirement to adequately wet all regulated asbestos containing material (RACM) by using amended water, except as exempted for equipment damage or safety hazards, and for ordered demolitions as defined in 40 CFR 61.145(a)(3). The asbestos NESHAP defines "adequately wet" as to "sufficiently mix or penetrate with liquid to prevent the release of particulates". In "Guidance for Controlling Asbestos-Containing Materials in Buildings", EPA 560/5-85-024 (June 1985), the EPA recommends to use a solution of water and a wetting agent to reduce asbestos fiber release for asbestos removal projects. In the guidance document "Asbestos NESHAP Adequately Wet Guidance", EPA 340/1-90-019 (December 1990), the EPA states that "Adequate wetting of asbestos containing material (ACM) is typically accomplished by repeatedly spraying it with a liquid or a wetting agent, usually amended water (water to which surfactant chemicals have been added), until it can absorb no more." In 29 CFR 1926.1101, OSHA also requires the use of amended water for certain operations in Class I and Class II asbestos work.
- Section 301.8(b)(2)(d) This revision removes the text "The friable portion of regulated ACM shall be kept adequately wet and..." because by definition in 40 CFR 61.141, the friable portion of ACM is RACM. This revision also removes the requirement to use a "6 mil poly bag" when disposing of RACM, in order to provide more options for asbestos waste disposal. Maricopa County also revised the last sentence of this section to clarify the requirements of 40 CFR 61.150(a)(1)(iii) through (v).
- Section 302 This revision updates the incorporation by reference date from "July 1, 2002" to "July 1, 2004". Maricopa County also revised this section to no longer list the authorities that EPA does not delegate to state and local agencies in Section 302, and to add the text "Incorporation by reference does not include nondelegable functions of the EPA Administrator." Maricopa County also revised the text in various sections of Rule 370, 302 for consistency with the text used in 40 CFR 63.

Maricopa County also added the additional NESHAPs promulgated by EPA in 40 CFR 63 from July 2, 2002 to July 1, 2004. This includes the addition of 40 CFR 63, Subpart C in which EPA codifies the chemicals that were removed from the federal list of hazardous air pollutants up until November 29, 2004.

Section 303.1 Maricopa County revised this Section.

Section 303.2 Maricopa County removed this Section.

Section 401 Maricopa County added 40 CFR 63.40 - 44, which implements Section 112(g) of the Clean Air Act. These 40 CFR subparts are incorporated by reference in Rule 370, Section 302.2.

Table I(A) This revision removes the chemical "caprolactam/105-60-2" from the federal HAP list. The EPA removed caprolactam from the federal HAP list in 61 FR 30823, 6/18/96, and codified this change at 40 CFR 63.60.

Table I(B) This revision redefines "glycol ethers" in the federal HAP list as promulgated by the EPA in 65 FR 47348, 8/2/00 (codified at 40 CFR 63.62) and 69 FR 69325, 11/29/04 (codified at 40 CFR 63.63).

Rule 371, Acid Rain

Section 104 This revision updates the incorporation by reference date from "July 1, 2002" to "July 1, 2004".

Section 301 This revision updates the incorporation by reference date from "July 1, 2002" to "July 1, 2004".

7. Demonstration of compliance with A.R.S. §49-112:

Under ARS §49-479(C), a county may not adopt or amend a rule that is more stringent than the rules adopted by the director of the ADEQ for similar sources unless it demonstrates compliance with the requirements of ARS §49-112.

ARS § 49-112(A)

When authorized by law, a county may adopt a rule, ordinance, or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition;
2. There is credible evidence that the rule, ordinance or other regulation is either:
 - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible
 - (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulations.

Maricopa County is in compliance with ARS § 49-112(A) in that Maricopa County has adopted revisions to the "incorporations by reference" in Rules 317, 321, 360, 370, and 371 that are not more stringent than nor are in addition to a provision of ARS Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to ARS Title 49.

Maricopa County is revising the asbestos regulations to be more stringent than the asbestos regulations for the state of Arizona, such as: the expiration of asbestos notifications after one year, requiring facility owner or operators to retain hard copies of all laboratory reports and inspection results at the facility, requiring all asbestos workers and asbestos contractor/supervisors to have color photo identification at the work site, and requiring the use of amended water to control the release of asbestos fibers. With these revisions, Maricopa County is further reducing the risk of exposure to asbestos. The justification for this increased stringency follows.

In January 2005, the administrator of the EPA signed the final rule approving the Carbon Monoxide Maintenance Plan and redesignating Maricopa County to attainment for carbon monoxide. However, Maricopa County still fails to meet the National Ambient Air Quality Standards (NAAQS) for ozone and particulates. Under 40 CFR 81.303, Maricopa County is classified as nonattainment for the 8-hour ozone standard. Maricopa County and parts of Pinal County are the only 8-hour ozone nonattainment areas in the state of Arizona. Maricopa County is the only PM₁₀ serious nonattainment area in

Arizona. Consequently, stronger regulations must be adopted in this area to address a serious health threat. In July 2002, the EPA granted Arizona's request to extend the CAA deadline for attainment of the annual and 24-hour PM₁₀ standards from 2001 to 2006. With the extension of this deadline, Arizona is required to submit to the EPA a revised PM₁₀ State Implementation Plan (SIP) for the Salt River SIP, which must include control strategies that meet the Best Available Control Measures (BACM) test and the Most Stringent Measures (MSM) test for significant sources and source categories, and that demonstrate attainment of the 24-hour federal standard for coarse particulate matter air pollution by December 31, 2006.

According to the Greater Phoenix Economic Council (GPEC), in 2004 Maricopa County had a population of 3,559,540 people comprising approximately 60% of Arizona's population of over 5.1 million residents. GPEC also states that Maricopa County is the 14th largest county in the continental United States in land area, covering over 9220 square miles. The Maricopa Association of Governments (MAG) states that between 2000 and September 2004, MAG member agencies annexed more than 217 square miles.

This increased growth in Maricopa County leads to more schools in Maricopa County than all other counties in Arizona combined. According to the Arizona Department of Education internet site, on 10/20/05 there were a total of 1510 schools in Arizona from kindergarten to grade 12, including charter schools. Maricopa County has 762 of those schools within its borders.

Due to population size and compact growth, Maricopa County receives more asbestos notifications than the State of Arizona. Maricopa County received 494 asbestos notifications from January 2004 to December 2004. For calendar year 2004, the Arizona Department of Environmental Quality received 362 notifications. Pinal County and Pima County in Arizona also maintain their own asbestos notification program and are not included in the numbers for the State of Arizona.

Further, according to the EPA's "Phoenix Land Use Indicators 1975 - 2000", both population and urban land use increased in the Phoenix metropolitan area from 1975 to 2000. The report cites several indicators that the Phoenix metropolitan area is growing more compactly, and that development in this area is becoming more compact. The report also states that from 1975 to 2000, urban areas have increased, while agricultural areas have decreased. More residents are living in the urbanized area and more are living adjacent to agricultural areas and industrial centers. Consequently, more residents are being exposed to a variety of different pollutants in different quantities.

High levels of occupational asbestos exposure are associated with three specific diseases: asbestosis, mesothelioma, and lung cancer. Both the International Agency for Research on Cancer (IARC) and EPA classify asbestos as known human carcinogens. When asbestos fibers are inhaled into the lungs some may lodge in the lower respiratory tract, and causes asbestosis. Asbestosis is triggered by production of collagen that makes the lung tissue hard and fibrous. Mesothelioma is a disease that results in tumors in the lining of the chest, abdominal cavity or heart. According to the National Institute for Occupational Safety and Health, the number of deaths from asbestos in Arizona increased from 6 in 1990 to 21 in 1999. The increase in median age at death from asbestosis reflects lower occupational exposure in younger generations.

The dense population of Maricopa County and high level of activity increase the risk of population exposure to asbestos. According to the document "Air Toxics and Risk Assessment", based on an exposure concentration of 3 ng/m³ to asbestos in the *urban* (emphasis added) air, the best estimates for risk to the population for asbestos alone are:

Mesothelioma Risks:	females:	2.8 deaths/100,000 population
	males:	1.9 deaths/100,000 population
Lung Cancer Risks:	females:	0.5 deaths/100,000 population
	males:	1.7 deaths/100,000 populations

In its "National Air Toxics Assessment", the EPA characterized the quantitative estimates of risks posed by 32 common air toxics identified by the EPA's Integrated Urban Air Toxics Strategy. Although asbestos was not included in this study,

the EPA concluded that for all air toxics compounds listed as known or probable carcinogens, the combined upper bound lifetime cancer risk exceeded 10 in one million for the entire United States. In the study "Science and Judgment in Risk Assessment" the National Research Council, states that epidemiological evidence concerning the synergistic potential of human carcinogens (usually involving long-term cigarette smoking) has been extensively reviewed. For example, asbestos exposure among workers who have a history of cigarette-smoking can produce an increased incidence of lung cancer that is greater than that predicted from the administration of either agent alone. The National Toxicology Program's "11th Report on Carcinogens" agrees that asbestos exposure and smoking increases the risk of lung cancer in a synergistic manner. The Agency for Toxic Substances and Disease Registry (ATSDR) indicates that there is also evidence that smoking has a synergistic effect on the occurrence of parenchymal opacities in the lungs of asbestos workers, and that smoking increases the risk of asbestosis. According to the Arizona Hazardous Air Pollution Research Program, Phoenix has the largest annual excess cancer risk and non-cancer hazard indices in the areas studied. Asbestos was not included in the Arizona Hazardous Air Pollution Research Program, however the document did recommend that "hot spots" be searched out and concentrations of hazardous air pollutants at the hot spots be evaluated.

These more stringent asbestos regulations will improve the efficiency of asbestos removal work. The expiration of asbestos notifications after one year will help Maricopa County inspectors complete more thorough inspections of large asbestos renovation and demolition projects. These large asbestos renovation and demolition projects that exceed one year in duration require the most commitment of Maricopa County inspection staff time, and may require multiple inspections. The requirement for facility owner or operators to retain hard copies of all laboratory reports and inspection results at the facility will save time that inspectors have to wait for hard copies of these documents to be obtained, and help to prevent multiple visits by the inspectors to the facilities. The additional time associated with donning specialized personal protective equipment, decontamination, and loss of productivity increases the time for each inspection. The requirement for all asbestos workers and asbestos contractor/supervisors to have color photo identification at the work site will help to eliminate false certifications that have been noted by Maricopa County inspectors. The use of certified and trained workers on asbestos removal jobs minimizes mistakes and compliance problems, and is required under the Asbestos Hazard Emergency Response Act (AHERA) Model Accreditation Program (MAP) (40 CFR 763, Subpart E, Appendix C) and 40 CFR 61.145(c)(8). If a higher non-compliance rate occurs as a result of improperly trained workers, there will be additional costs in order for Maricopa County to take necessary compliance and enforcement actions. Finally, the requirement to use amended water will help to further control the release of asbestos fibers. Note that in 29 CFR 1926.1101, OSHA requires the use of amended water for certain operations in Class I and Class II asbestos work. The asbestos NESHAP defines "adequately wet" as to "sufficiently mix or penetrate with liquid to prevent the release of particulates". EPA, in its "Guidance for Controlling Asbestos-Containing Materials in Buildings", EPA 560/5-85-024 (June 1985), recommends to use a solution of water and a wetting agent to reduce asbestos fiber release for asbestos removal projects. In the guidance document "Asbestos NESHAP Adequately Wet Guidance", EPA 340/1-90-019 (December 1990), the EPA states that "Adequate wetting of ACM is typically accomplished by repeatedly spraying it with a liquid or a wetting agent, usually amended water (water to which surfactant chemicals have been added), until it can absorb no more." Maricopa County is characterized as a desert environment. From the years 1991 - 1995, the average temperature of the Phoenix metropolitan area was 74.6 Deg F with a relative humidity of 37%. Requiring the use of amended water to ensure that ACM is kept adequately wet, will ensure better compliance with the asbestos NESHAP due to the hot, dry, climate of Maricopa County.

Maricopa County is revising Rule 370, Subpart M to prevent a significant threat to public health or the environment that results from a peculiar local condition, the growth and dense population in the urbanized area of Maricopa County which leads to larger numbers of asbestos notifications in Maricopa County compared with those reported for the State of Arizona. There is also epidemiological evidence concerning the synergistic potential of human carcinogens, and according to the Arizona Hazardous Air Pollution Research Program, Phoenix has the largest annual excess cancer risk and non-cancer hazard indices in the areas studied. The EPA has also designated Maricopa County as PM₁₀ and 8-hour ozone nonattainment areas. The hot, dry climate of Maricopa County also represents a peculiar local condition. Requiring the use of amended water to ensure that ACM is kept adequately wet, will ensure better compliance with the

asbestos NESHAP due to the hot, dry, climate of Maricopa County. These rule revisions are technically and economically feasible.

ARS § 49-112(B)

The ARS § 49-112(B) demonstration does not apply because these particular rules are in that portion of Maricopa County's air quality program that is administered under direct statutory authority. Therefore, these rules are not being adopted or revised in lieu of a state program.

8. A reference to any study relevant to the rule that the department reviewed and either relied on or did not rely on its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

"Air Toxics and Risk Assessment", Edward Calabrese and Elaina Kenyon, Lewis Publishers, Inc, 121 S Main Street, Chelsea, MI, 48118, 1991, p. 143. Relevant portions of document are available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Arizona Hazardous Air Pollution Research Program Executive Summary", ENSR Document No. 0493-013-920, ENSR Consulting and Engineering, 1220 Avenida Acaso, Camarillo, CA, December 1995, pp. ES-13, ES-15, ES-24. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Asbestos in Arizona", Raymond C Harris, Arizona Geology, Volume 34, No 1, Arizona Geological Survey, 416 West Congress, Suite 100, Tucson, AZ, 85701, Spring 2004, p.2. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Asbestos NESHAP Adequately Wet Guidance", EPA 340/1-90-019, EPA, Office of Air Quality Planning and Standards, Stationary Source Compliance Division, Washington, DC, 20460, December 1990. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Climate of Phoenix: Part I", Randall S Cervený, Office of Climatology - Department of Geography, Arizona State University, Tempe, AZ, p. 22. internet site: <http://geography.asu.edu/cervený/wxpart1.htm>. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"EPA Land Use Indicators 1975 - 2000" EPA, Washington, DC, 3/30/04, internet site: www.epa.gov/urban/phx/indicators.htm. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"EPA National Air Toxics Assessment", EPA, Ariel Rios Building, 1200 Pennsylvania Ave, NW, Washington, DC, 20460, 202-272-0167, internet site: www.epa.gov/ttn/atw/nata/risksum.html. Relevant portions of document available for review at: Maricopa County Air Quality Department, 1001 N Central Ave, Suite 695, Phoenix, AZ 85004.

"Guidance for Controlling Asbestos-Containing Materials in Buildings", EPA 560/5-85-024, EPA, Office of Pesticides and Toxic Substances, Washington, DC, 20460, June 1985, p. 5-3. Relevant portions of document available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"MAG Regional Report", Maricopa Association of Governments (MAG), 302 N 1st Avenue, Suite 300, Phoenix, AZ, 85003, January 2005, p. 22. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Maricopa County Profile", Greater Phoenix Economic Council (GPEC) Information Center, Two North Central Avenue, Suite 2500, Phoenix, AZ, 85004, internet site: www.gpec.org/eresponse/maricopa.htm. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Report on Carcinogens, Eleventh Edition", US Department of Health and Human Services, Public Health Service, National Toxicology Program, Research Triangle Park, NC, Asbestos Substance Profile. Relevant portions of document available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Science and Judgment in Risk Assessment", National Research Council, National Academy Press, Washington, DC, 1994, pp.226 - 228. internet site: www.nap.edu/books/030904894X/html/R1.html. Relevant portions of document available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

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"School List Wizard", Arizona Department of Education, 1535 W Jefferson, Phoenix, AZ, 85007, internet site: www.ade.state.az.us/wizard/, 10/20/05. Available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

"Toxicological Profile for Asbestos", US Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry, Atlanta, GA, September 2001, pp. 112 - 113. Relevant portions of document available for review at: Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 695, Phoenix, AZ, 85004.

9. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

10. The economic, small business, and consumer impact:

1. Rule making

Summary

A brief summary of each rule follows.

In Rule 317, Hospital/Medical/Infectious Waste Incinerators, Maricopa County is updating the incorporation by reference date from "July 1, 2002" to "July 1, 2004". Maricopa County is also making other non-substantive changes to Rule 317, including the addition of an "Availability of Information" section; minor language revisions; and, the correction of several references to 40 CFR 60, Subpart Ec.

In Rule 321, Municipal Solid Waste Landfills, Maricopa County is updating the incorporation by reference date from "July 1, 2002" to "July 1, 2004". Maricopa County is also adding the text "reconstruction, or modification" to match the language used in 40 CFR 60.32c(a) and R18-2-731(A)(1).

In Rule 360, New Source Performance Standards, Maricopa County is updating the incorporation by reference date from "July 1, 2002" to "July 1, 2004", and is including all updates to the New Source Performance Standards in 40 CFR 60. Maricopa County is also revising this section to no longer list the authorities that EPA does not delegate to state and local agencies in Rule 360, Section 301. The exclusions are included in the 40 CFR subsections that Maricopa County is incorporating by reference. Maricopa County is also revising the text in various sections of Rule 360, Section 301 for consistency with the text used in 40 CFR 60. Maricopa County is removing Section 301.76, Subpart BBBB - Standards of Performance for New Small Municipal Waste Combustion Units and Subpart DDDD - Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units. Negative declarations were submitted to EPA for these two subparts: 66 Federal Register (FR) 67096 (40 CFR 60.1530) and 68 FR 49364 (40 CFR 60.2530) stating that there are no facilities subject to these regulations in Maricopa County.

In Rule 370, Federal Hazardous Air Pollutant Program, Maricopa County is updating the incorporation by reference dates for 40 CFR 61 and 40 CFR 63 from "July 1, 2002" to "July 1, 2004". This revision also adds a definition for "Administrator" to be consistent with the ADEQ rule at R18-2-1102(A), and to clarify the authorities that are not granted to the Control Officer by EPA. Maricopa County is also revising this section to no longer list the authorities that EPA does not delegate to state and local agencies in Rule 370 Sections 301 and 302. The exclusions are included in the 40 CFR subsections that Maricopa County is incorporating by reference. Maricopa County is also revising the text in various sections of Rule 370, 301 and Rule 370, 302 for consistency with the text used in 40 CFR 61 and 40 CFR 63, respectively. Maricopa County is also adding the additional NESHAPs promulgated by EPA in 40 CFR 63 from July 2, 2002 to July 1, 2004. This includes the addition of 40 CFR 63, Subpart C in which EPA codifies the chemicals that were removed from the federal Hazardous Air Pollutant (HAP) list up until November 29, 2004. Table I of Rule 370 lists the federal HAP list. Maricopa County is removing the chemical "caprolactam/105-60-2" from the federal HAP list in Table I. The EPA removed caprolactam from the federal HAP list in 61 FR 30823, 6/18/96, and codified this change at 40 CFR 63.60.

Maricopa County is also revising the definition of "glycol ethers" in the federal HAP list as promulgated by the EPA in 65 FR 47348, 8/2/00 (codified at 40 CFR 63.62) and 69 FR 69325, 11/29/04 (codified at 40 CFR 63.63).

Finally, Maricopa County is making numerous changes to Rule 370, Subpart M - National Emission Standard for Asbestos. Some of these changes are non-substantive. The substantive changes are discussed below. In Section 301.8(a)(3), Maricopa County is adding a new section specifying that notifications for asbestos will expire after one year. Large asbestos renovation and demolition projects that exceed one year in duration require the most commitment of Maricopa County inspection staff time, because such large projects are likely to require multiple inspections. This revision also clarifies that for operations and maintenance renovations described in 40 CFR 61.145(a)(4)(iii), notifications will continue to expire every December 31. In Section 301.8(a)(4) Maricopa County is adding the word "thoroughly" to be consistent with the text used in 40 CFR 61.145(a). Maricopa County is revising Section 301.8(b)(1)(b) by clarifying that facilities must retain asbestos records for 2 years, however the facility is only required to submit the data required under Section 301.8(b)(1)(b) to Maricopa County when an asbestos notification is submitted. Maricopa County is also revising this section by adding the requirement for facilities to have copies of all inspection reports and laboratory test results available upon request by the Department. Maricopa County is revising Section 301.8(b)(1)(c) to clarify that all asbestos workers and contractor/supervisors must maintain current asbestos certifications on-site at all times during any active asbestos abatement work at or above NESHAP threshold amounts. Certification training for asbestos workers and contractor/supervisors is required by the Asbestos Hazard Emergency Response Act (AHERA) Model Accreditation Program (MAP). The MAP extends applicability of AHERA from public and private elementary and secondary schools to all commercial buildings. Maricopa County is revising Section 301.8(b)(1)(d) to require all asbestos workers and contractor/supervisors to have color photo identification on-site and available for inspection at all times during active asbestos abatement work. In the AHERA MAP program, the EPA provides states with accreditation programs the option to issue photo identification cards. Maricopa County does not issue state photo identification cards for asbestos abatement, and is therefore allowing alternate forms of photo identification. Maricopa County is requiring photo identification because of false certifications that are found in use at asbestos work sites. In Section 301.8(b)(2)(c), Maricopa County is adding the requirement that all RACM must be adequately wet by using amended water, except as exempted for safety and equipment maintenance reasons. In Section 301.8(b)(2)(d), Maricopa County is also removing the requirement to use a "6 mil poly bag" when disposing of RACM. A bag can be considered a subset of a wrapping, therefore having both terms is redundant. Also, the term "6 mil poly bag" limits the choice of leak-tight wrapping for use in asbestos waste disposal. Maricopa is also revising the final sentence to add the term "individual" before "wrapping" to clarify that each bag must be labeled pursuant to 40 CFR 61.150(a)(1)(iii) through (v), and to add the text "visibly and legibly" prior to "labeled" for consistency with 40 CFR 61.150(a)(1)(iv). Finally, the text "of the site owner or operator" has been added to the last sentence because 40 CFR 61.150(a)(1)(v) requires the waste to be labeled "with the name of the waste generator". "Waste generator" is defined in 40 CFR 61.141 as "owner or operator".

In Rule 371, Acid Rain, Maricopa County is updating the "incorporation by reference" date from "July 1, 2002" to "July 1, 2004".

In this rulemaking, Maricopa County is also making several technical corrections, including revision of text in various sections of the rules for consistency with the text used in 40 CFR.

2. Persons who are affected, bear costs or directly benefit

Cost bearers

There will be some additional costs to the regulated community, small businesses, and political subdivisions of the state in association with the revisions to Rule 370, Section 301.8, asbestos. Costs to the implementing agency are those that may accrue for implementation and enforcement of the standards and changes to the regulations. Maricopa County has identified approximately 90 asbestos contractors and local government agencies that may be affected by this rulemaking. There may be some additional costs to the public (consumers) if businesses choose to raise prices due to any increased costs. However, it is expected that increased costs to businesses due to the use of the chemical wetting agent will be offset due to decreased use of water.

Beneficiaries

There are benefits to the implementing agency, regulated community, small businesses, political subdivisions of the state, members of the public, and vendors that sell chemical wetting agents. There are two main companies in Maricopa County that distribute chemical wetting agents.

A Description of the Affected Persons:

Regulated Community - Includes businesses subject to Rules 317, 321, 360, 370, and 371, including businesses involved in asbestos renovation and demolition.

Small Businesses - Includes small businesses, as defined in ARS § 41-1001, that are subject to Rules 317, 321, 360, 370, and 371.

Political Subdivisions of the State - Includes cities, fire departments and other entities that are subject to Rules 317, 321, 360, 370, and 371, including those involved in asbestos renovation and demolition.

Implementing Agency - Maricopa County Air Quality Department.

Members of the Public - Citizens and Visitors to Maricopa County.

Asbestos Workers and Contractors/Supervisors - Employees of the Regulated Community, Small Businesses, and Political Subdivisions of the State that participate in asbestos renovation and demolition activities.

Vendors - Businesses that sell chemical wetting agents.

3. Cost/benefit analysis/summary

Probable costs and benefits to the implementing agencies, political subdivision, and businesses

Costs

There are no additional costs to the regulated community when a county agency incorporates an already effective federal standard. The costs of compliance have already occurred, and were considered when the federal regulation was proposed and adopted. The majority of the revisions in these rules are incorporating by reference the federal NSPSs, NESHAPs, and Acid Rain regulations. The revisions incorporating these standards by reference impose no additional costs on the regulated community, small businesses, political subdivisions of the state, and members of the public. Other rule changes are non-substantive language corrections, changes made for consistency within the Maricopa County Air Pollution Control Regulations, and changes made to keep the Maricopa County Air Pollution Control regulations consistent with the text in 40 CFR.

There will be some additional costs to the regulated community, small businesses, and political subdivisions of the state due to the changes to Rule 370, Section 301.8, Subpart M - National Emission Standard for Asbestos. In Section 301.8(a)(3), Maricopa County is adding a new section specifying that notifications for asbestos will expire after one year. Large asbestos renovation and demolition projects that exceed one year in duration require the most commitment of Maricopa County inspection staff time, because such large projects are likely to require multiple inspections. In 2004, Maricopa County has noted six asbestos notifications that began in 2004, and have continued for over one year. The only projected additional costs to the regulated community, small businesses, and political subdivisions of the state will be the additional notification fee of \$425 for projects that exceed one year in duration. Maricopa County is also revising Section 301.8(a)(3) to clarify that for operations and maintenance renovations described in 40 CFR 61.145(a)(4)(iii), notifications will continue to expire every December 31. This expiration is already codified in 40 CFR 61.145(a)(4)(iii).

In Section 301.8(a)(4) Maricopa County is adding the word "thoroughly" to be consistent with the text used in 40 CFR 61.145(a). This revision imposes no additional cost on the regulated community, small businesses, or political subdivisions of the state. With this revision, Maricopa County is reinforcing the EPA's intent that a thorough inspection for the presence of asbestos must be completed at each facility, and that any materials suspected of containing asbestos should be sampled and analyzed. Maricopa County has also revised Section 301.8(a)(4) to require the date that the owner or operator completed the facility inspection to be included on the asbestos notification. This additional requirement is administrative, and will entail no additional costs.

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Maricopa County is adding to Section 301.8(b)(1)(b) the requirement for all facility owners and operators to maintain a copy of all inspection reports and laboratory test results at the facility. The only cost to the regulated community, small businesses, and political subdivisions of the state will be the cost to photocopy the inspection reports and laboratory test results.

Maricopa County is revising Section 301.8(b)(1)(c) to clarify that all asbestos workers and contractor/supervisors must maintain current asbestos certification, as required in the Asbestos Hazard Emergency Response Act (AHERA) Model Accreditation Program (MAP), 40 CFR 763, Subpart E, Appendix C. Maricopa County is adding the requirement that a legible copy of these training certificates be onsite and available for inspection at all times. The requirement to maintain copies of these training certificates is already in the AHERA MAP rule at 40 CFR 763, Subpart E, Appendix C. The asbestos NESHAP at 40 CFR 61.145(c)(8) requires that evidence of the required training be posted at the demolition or renovation site. The only costs to the regulated community, small businesses, and political subdivisions of the state will be the cost to photocopy the training certificates.

Maricopa County is revising Section 301.8(b)(1)(d) to require all asbestos workers and contractor/supervisors to have color photo identification on-site and available for inspection at all times at the asbestos worksite. In the AHERA MAP program, the EPA provides states with accreditation programs the option to issue photo identification cards. Maricopa County does not issue state photo identification cards for asbestos abatement, and is therefore allowing alternate forms of photo identification. Maricopa County is requiring photo identification because of false certifications that are found in use at asbestos work sites. Asbestos workers and contractor/supervisors that do not have current photo identification may have to obtain photo identification. For example, the cost for obtaining an Arizona state driver's license is: \$25.00 age 16 - 39; \$20.00 age 40 - 44; \$15.00 age 45 - 49; and \$10.00 age 50 or above. The cost for obtaining an Arizona state identification card is \$12.00. The cost for a duplicate Arizona state driver's license or identification card is \$4.00.

In Section 301.8(b)(2)(c), Maricopa County is expanding on the requirement that all RACM must be kept adequately wet by adding the requirement to use amended water, except as exempted for safety or equipment maintenance reasons, or for ordered demolitions. Note that Maricopa County rules already require RACM to be kept adequately wet, and OSHA requires the use of amended water for certain operations in Class I and Class II asbestos work in 29 CFR 1926.1101. The asbestos NESHAP defines "adequately wet" as to "sufficiently mix or penetrate with liquid to prevent the release of particulates". The EPA, in its "Guidance for Controlling Asbestos-Containing Materials in Buildings", EPA 560/5-85-024 (June 1985), recommends to use a solution of water and a wetting agent to reduce asbestos fiber release for asbestos removal projects. In the guidance document "Asbestos NESHAP Adequately Wet Guidance", EPA 340/1-90-019 (December 1990), the EPA states that "Adequate wetting of ACM is typically accomplished by repeatedly spraying it with a liquid or a wetting agent, usually amended water (water to which surfactant chemicals have been added), until it can absorb no more." The two main suppliers of asbestos abatement material in Maricopa County were contacted to determine the costs to the regulated community, small businesses, and political subdivisions of the state. Both suppliers sell one type of chemical wetting agent (or surfactant) each. A five gallon pail of chemical wetting agent from one supplier costs \$33.75. The coverage area of this surfactant is approximately 500 ft² per gallon. A five gallon pail of chemical wetting agent from another supplier costs between \$26.00 to \$30.00 depending on the quantity of product purchased. This second product may be diluted with water by not more than 2 parts water to 1 part surfactant, thus the coverage area of this second product will vary with the size of each project. The costs accumulated by the regulated community, small businesses, and political subdivisions of the state will thus vary with the size of the project. However, the cost for the wetting agent may be offset by the decrease in the amount of water needed to keep the ACM adequately wet.

Maricopa County is clarifying the requirements in Section 301.8(b)(2)(d) by adding the term "individual" before "wrapping" and "visible and legible" before "label", and adding the text "of the site owner or operator" to the last sentence. These revisions clarify the text in 40 CFR 61.150(a)(1)(iii) through (v), and thus will pose no economic burden on the regulated community, small businesses, and political subdivisions of the state. The revision in this section to remove the requirement to use a "6 mil poly bag" when disposing of RACM will lessen the economic burden on the regulated community, small businesses, and

political subdivisions of the state. A bag can be considered a subset of a wrapping, therefore having both terms is redundant. Also, the term "6 mil poly bag" limits the choice of leak-tight wrapping for use in asbestos waste disposal. By removing the term "6 mil poly bag", Maricopa County is providing businesses with more options for containers to use for RACM disposal.

In Rule 370, Table I, Maricopa County is removing chemicals from the federal HAP list. This will lessen the economic burden on the regulated community, small businesses, and political subdivisions of the state.

Costs to Maricopa County are those that may accrue for implementation and enforcement of the standards as county law. Although there will be some small incremental costs due to this rulemaking, Maricopa County does not intend to hire any additional employees to implement or enforce these rules. This rulemaking is expected to have a minimal effect on state revenues with the additional fees that will be collected for asbestos projects that exceed one year under Rule 370, Section 301.8(a)(3). There may be some additional costs to the public (consumers) if businesses choose to raise prices due to any increased costs.

Benefits

Benefits accrue to the regulated community when a county agency incorporates a federal regulation in order to become the primary implementer of the regulation, because the county agency is closer to those being regulated and, therefore, is generally easier to contact and to work with to resolve differences, compared with the EPA, whose regional office for Arizona is in San Francisco. Local implementation also reduces travel and communication costs.

Health benefits accrue to the general public whenever enforcement of environmental laws takes place. Hazardous air pollutants include numerous chemical compounds that could produce cancer and other significant health effects (e.g., respiratory diseases, birth defects, eye irritation, and adverse impact to the nervous system). Although some chemical compounds are deregulated, NESHAPs were promulgated for several process operations with anticipated reductions in hazardous air emissions by facilities across the nation. Potentially, a reduction in hazardous air emissions could occur in Arizona.

High levels of occupational asbestos exposure are associated with three specific diseases: asbestosis, mesothelioma, and lung cancer. Both the International Agency for Research on Cancer (IARC) and EPA classify asbestos as known human carcinogens. When asbestos fibers are inhaled into the lungs some may lodge in the lower respiratory tract, and causes asbestosis. Asbestosis is triggered by production of collagen that makes the lung tissue hard and fibrous. Mesothelioma is a disease that results in tumors in the lining of the chest, abdominal cavity or heart. According to the National Institute for Occupational Safety and Health, the number of deaths from asbestos in Arizona increased from 6 in 1990 to 21 in 1999. The increase in median age at death from asbestosis reflects lower occupational exposure in younger generations.

Adverse health effects from air pollution result in a number of economic and social consequences, including:

1. **Medical Costs.** These include personal out-of-pocket expenses of the affected individual (or family), plus costs paid by insurance or Medicare, for example. Also included are reduced emergency room visits and hospital admissions.
2. **Work Loss.** This includes lost personal income, plus lost productivity whether the individual is compensated for the time or not. For example, some individuals may perceive no income loss because they receive sick pay, but sick pay is a cost of business and reflects lost productivity.
3. **Increased costs for chores and care giving.** These include special care giving and services that are not reflected in medical costs. These costs may occur because some health effects reduce the affected individual's ability to undertake some or all normal chores, and he or she may require extra care.
4. **Other social and economic costs.** These include restrictions on or reduced enjoyment of leisure activities, discomfort or inconvenience, pain and suffering, anxiety about the future, and concern and inconvenience to family members and others.

Vendors that distribute chemical wetting agents or surfactants in Maricopa County may also benefit from some increased sales of these products.

Summary of Cost/Benefit Analysis

Affected Party (or Parties)	Rule	Description of Effect	Increases Costs/ Decreased Revenues	Decreased Costs/ Increased Revenues
Regulated Community, Small Businesses, Political Subdivisions of the State, and the Maricopa County Air Quality Department	Rule 370, Section 301.8(a)(3)	Requirement that for asbestos demolition or renovation activities that continue beyond the expiration date (longer than one year in duration), the owner or operator of the demolition or renovation activity must notify the Control Officer at least 10 working days prior to the expiration of the original notice and pay all applicable fees prescribed by Rule 280.	Increased cost of \$425 for parties that have asbestos demolition or renovation projects that exceed one year in duration.	Maricopa County Air Quality Department will receive increased revenues of \$425 for each asbestos demolition or renovation project that exceeds one year in duration. However, this increased revenue will be offset by additional time spent by inspectors at these projects.

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Regulated Community, Small Businesses, Political Subdivisions of the State, and the Maricopa County Air Quality Department	Rule 370, Section 301.8(a)(4)	Maricopa County is revising this text in order to be consistent with the text used in 40 CFR 61.145(a). With this revision, Maricopa County is reinforcing the EPA's intent that a thorough inspection for the presence of asbestos must be completed at each facility, and that any materials suspected of containing asbestos should be sampled and analyzed. Maricopa County has also revised Section 301.8(a)(4) to require the date that the owner or operator completed the facility inspection to be included on the asbestos notification.	These revisions impose no additional costs on the affected parties.	These revisions provide no decreased costs or increased revenues for the affected parties.
Regulated Community, Small Businesses, Political Subdivisions of the State, and the Maricopa County Air Quality Department	Rule 370, Section 301.8(b)(1)(b)	With this revision, Maricopa County is requiring that a copy of inspection reports and laboratory test results be on-site and available for inspection at asbestos demolition or renovation sites.	Increased cost of photocopying inspection reports and laboratory test results for affected parties. Photocopies can typically be made for \$.10 to \$.20 per page.	This revision provides no decreased costs or increased revenues for the affected parties.

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Regulated Community, Small Businesses, Political Subdivisions of the State, Asbestos Workers and Contractor/ Supervisors, and the Maricopa County Air Quality Department	Rule 370, Section 301.8(b)(1)(c)	With this revision Maricopa County is clarifying that all asbestos workers and contractor/supervisors must maintain current asbestos certification, as required in the Asbestos Hazard Emergency Response Act (AHERA) Model Accreditation Program (MAP), 40 CFR 763, Subpart E, Appendix C. Maricopa County also is adding the requirement that a legible copy of these training certificates be onsite and available for inspection at all times.	Increased cost of photocopying the training certificates for asbestos workers and contractor/ supervisors engaged in asbestos demolition or renovation activities. Photocopies can typically be made for \$.10 to \$.20 per page.	This revision provides no decreased costs or increased revenues for the affected parties.
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Arizona Administrative Register / Secretary of State
County Notices Pursuant to A.R.S. § 49-112

Regulated Community, Small Businesses, Political Subdivisions of the State, Asbestos Workers and Contractors/ Supervisors, and the Maricopa County Air Quality Department	Rule 370, Section 301.8(b)(1)(d)	Maricopa County is requiring all asbestos workers and contractor/ supervisors to have a government-issued color photo identification on- site and available for inspection at all times at the asbestos worksite.	Asbestos workers and contractor/ supervisors that do not have current photo identification may have to obtain photo identification. For example, the cost for obtaining an Arizona state driver's license is: \$25.00 age 16 - 39; \$20.00 age 40 - 44; \$15.00 age 45 - 49; and \$10.00 age 50 or above. The cost for obtaining an Arizona state identification card is \$12.00. The cost for a duplicate Arizona state driver's license or identification card is \$4.00.	This revision provides no decreased costs or increased revenues for the affected parties.
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Regulated Community, Small Businesses, Political Subdivisions of the State, the Maricopa County Air Quality Department, and Vendors	Rule 370, Section 301.8(b)(2)(c)	Maricopa County is expanding on the requirement that all RACM must be kept adequately wet by adding the requirement to use amended water, except as exempted for safety or equipment maintenance reasons, or for ordered demolitions. Note that Maricopa County rules already require RACM to be kept adequately wet, and OSHA requires the use of amended water for certain operations in Class I and Class II asbestos work in 29 CFR 1926.1101.	The costs accumulated by affected parties will vary with the size of the project. There are two main suppliers of asbestos abatement material in Maricopa County. Both suppliers sell one type of chemical wetting agent each. A five gallon pail of chemical wetting agent from one supplier costs \$33.75, with a coverage area of approximately 500 ft ² per gallon. A five gallon pail of chemical wetting agent from another supplier costs between \$26.00 to \$30.00, depending on the quantity of product purchased.	The cost for the wetting agent incurred by affected parties may be offset by the decrease in the amount of water needed to keep the ACM adequately wet. Using the City of Phoenix as an example, water rates vary from \$5.16 to \$51.33/month for the meter size, and between \$1.38 to \$2.06 for each 748 gallons of water used, depending on the time of year. This revision may provide economic benefit to vendors that sell chemical wetting agents due to increased sales.
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Regulated Community, Small Businesses, Political Subdivisions of the State, and the Maricopa County Air Quality Department	Rule 370, Section 301.8(b)(2)(d)	Maricopa County is revising Section 301.8(b)(2)(d) to clarify the text in 40 CFR 61.150(a)(1)(iii) through (v). Maricopa County is also removing the requirement to use a "6 mil poly bag" when disposing of RACM, because a bag can be considered a subset of a wrapping, therefore having both terms is redundant.	This revision imposes no additional costs on the affected parties.	This revision provides decreased costs for the affected parties. The term "6 mil poly bag" limits the choice of leak-tight wrapping for use in asbestos waste disposal. By removing the term "6 mil poly bag", Maricopa County is providing affected parties with more options for containers to use for RACM disposal.
Regulated Community, Small Businesses, Political Subdivisions of the State	Rule 370, Table I	In Rule 370, Table I, Maricopa County is removing chemicals from the federal HAP list.	This revision imposes no additional costs on the affected parties.	This revision provides decreased costs for affected parties.

*This table mainly highlights the revisions to the asbestos regulations, as these are the only revisions expected to have an economic impact on the affected parties. This table does not include the significant benefits expected to all parties due to increased health/social benefits or benefits to businesses by being regulated by a nearer government agency, which are expected to offset the increased costs.

4. Private and public employment impact

This rule is expected to have no impact on private and public employment.

5. Rule impact reduction on small businesses. ARS § 41-1035 requires Maricopa County to reduce the impact of a rule on small businesses by using certain methods when they are legal and feasible in meeting the statutory objectives of the rulemaking.

The five listed methods are:

1. Establish less stringent compliance or reporting requirements in the final rule for small businesses.
2. Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses.
3. Consolidate or simplify the rule's compliance or reporting requirements for small businesses.
4. Establish performance standards for small businesses to replace design or operational standards in the rule.
5. Exempt small businesses from any or all requirements of the rule.

A small business is defined in ARS § 41-1001 as a "concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year. For purposes of a specific rule, an agency may define small business to include more persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of small businesses and organizations."

The statutory objectives which are the basis of the rulemaking. The general statutory objectives that are the basis of this rulemaking are contained in the statutory authority cited in number 2 of this preamble. The specific objectives are as follows:

1. Implement rules necessary for EPA delegation of Clean Air Act § 111 (NSPS) program to Maricopa County.
2. Implement rules necessary for EPA § 112(1) program delegation to Maricopa County (NESHAP).
3. Implement rules necessary for acid rain program delegation to Maricopa County.

a. An identification of the small businesses subject to the rulemaking.

Small businesses that may be affected by this rulemaking include those subject to Rules 317, 321, 360, 370, and 371, those that complete asbestos renovation or demolition work, and small businesses that act as vendors for manufacturers offering chemical wetting agents or surfactants for sale.

b. The administrative and other costs required for compliance with the rulemaking.

The administrative and other costs required for compliance with the rulemaking include: \$425.00 notification fee for projects that extend beyond one year; the cost to photocopy inspection reports, laboratory results, and training certificates that must be maintained at asbestos work sites; the cost of \$4.00 to \$25.00 to obtain a color photo identification; and, the cost of \$26.00 to \$33.75 to obtain a five gallon pail of a chemical wetting agent/surfactant. Note that all of these costs may not apply to every small business engaged in asbestos demolition and renovation projects. Maricopa County only noted 6 projects in 2004 that extended beyond the one year expiration date. Also, it is expected that most asbestos workers and contractors/supervisors should have color photo identification. The requirement to photocopy documents should also be minimal. If a business does not have a photocopy machine, photocopies can be made for \$.10 to \$.20 per page. Finally, the cost to use the chemical wetting agent will vary depending on the size of the project involved. It should be noted that OSHA also requires the use of amended water for certain operations in Class I and Class II asbestos work in 29 CFR 1926.1101.

c. A description of the methods that the agency may use to reduce the impact on small businesses.

Maricopa County has determined that there is a beneficial impact on small businesses in transferring implementation of these rules to Maricopa County. In addition, Maricopa County is required to adopt the federal rules without reducing stringency. Maricopa County, therefore, has found that it is not legal or feasible to adopt any of the five listed methods in ways that reduce both the impact of these rules on small businesses. Finally, where federal rules impact small businesses, EPA is required by both the Regulatory Flexibility Act and the Small Business Regulatory Enforcement and Fairness Act to make certain adjustments in its own rulemakings. Information related to such may be found in the individual rules described in Section 6 of the Notice of Final Rulemaking.

The most significant cost to small businesses will be the use of the chemical wetting agent/surfactant, although this cost may be offset by the decrease in the amount of water needed to keep the ACM adequately wet. Some provisions of the rule changes should reduce the economic burden on small businesses. The revision in this Section 301.8(b)(2)(d) to change the requirement to use a "6 mil poly bag" when disposing of RACM will lessen the economic burden on small businesses. By removing the term "6 mil poly bag", Maricopa County is providing small businesses with more options for containers to use for RACM disposal. Finally, in Rule 370, Table I, Maricopa County is removing chemicals from the federal HAP list.

d. The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.

The cost to private persons or consumers could be possible increased costs if the small business passes any costs to the consumer.

6. Probable effect on state revenues

The effect on state revenues will be due to any notification fees submitted for projects that exceed one year in duration and are subject to the \$425.00 re-notification fee. In 2004, Maricopa County noted six projects that exceeded one year in duration. If this rule had been effective in 2004, this would translate to increased revenues of \$2550. Note that these increased revenues are expected to cover the cost of extra time and work spent by Maricopa County Air Quality inspector's multiple visits to these sites.

7. Less intrusive or costly alternative methods of achieving the rulemaking.

None. Maricopa County is required to adopt the federal and state rules without reducing stringency.

Conclusions

In conclusion, Maricopa County expects the costs associated with this rulemaking to be generally low, while the air quality benefits are expected to be generally high. Costs to Maricopa County are those that may accrue for implementation and enforcement of the standards as county law. Maricopa County may also expect some increased revenue for asbestos projects that exceed one year in duration. However, this revenue is expected to be used to compensate for extra time spent by inspectors at these longer asbestos projects. The fact that no new employment is expected to occur has been discussed above.

There are benefits to industry from being regulated by a geographically nearer government entity. There are some economic impacts on private businesses (including small businesses) and political subdivisions of the state, their revenues, or expenditures. There is minimal economic impact on asbestos workers and asbestos contractors/supervisors, some of whom may need to obtain photo identification cards if they do not already own such identification. There are expected to be no economic impacts for consumers, unless businesses pass any minimal increased costs on to consumers; benefits to private persons as members of the general public are discussed above in terms of health benefits. There are no other, less costly alternatives for achieving the goals of this rulemaking. Maricopa County expects the health, social, and regulatory benefits to outweigh any costs associated with this rulemaking.

11. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Maricopa County has made some minor revisions to the preamble, including: removing references to the word "propose"; minor language changes for clarity; and, revising the "economic, small business, and consumer impact" in #10 of this notice to match the format specified in ARS § 41-1055(B) (including adding a table summarizing the cost/benefit analysis), and to clarify that cities, fire departments and other government entities are political subdivisions of the state with possible economic impacts. Maricopa County has also removed the *Federal Register* notices, as studies relied on in this rulemaking, from #8 of this Notice of Final Rulemaking.

Rule 360, Section 301.13 Maricopa has withdrawn the proposed revision to change the title of the NSPS for Subpart I to "Standards of Performance for Hot Mix Asphalt Facilities" as it is listed in 40 CFR 60. Maricopa County will retain the title "Standards of Performance for Asphaltic Concrete Plants" because that terminology is used in Maricopa County Air Pollution Control Regulations Rules 310 and 316.

Rule 370, Section 205 (Old Rule) Maricopa County has removed the definition for Maximum Achievable Control Technology (MACT), as this term is already defined in statute at ARS § 49-401.01(21).

Rule 370, Table I(B) Maricopa County has labeled the existing part of footnote[2] in this Table as Section "a". Maricopa County has added a Section "b" with the following text: "Glycol ethers does not include ethylene glycol monobutyl ether (EGBE, 2-Butoxyethanol) (CAS No. 111-76-2)." Maricopa County has clearly stated in the preamble of the Notice of Proposed Rulemaking that the compound ethylene glycol monobutyl ether is being removed from the federal HAP list. Maricopa County incorporated this change through the incorporation by reference of 40 CFR

63, Subpart C in Rule 370, Section 302.3. However, Maricopa County is also adding footnote "b" so that all information relating to the federal HAPs list is in one place in Rule 370.

12. A summary of the comments made regarding the rule and the department response to them:

No comments were received on the Notice of Proposed Rulemaking.

13. Any other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:

None.

14. Incorporations by reference and their location in the rules:

Rule 317: 40 CFR 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 is incorporated by reference as of July 1, 2004.

40 CFR Part 60, Appendix A and Appendix B, are incorporated by reference as of July 1, 2004.

40 CFR Part 70, is incorporated by reference as of July 1, 2004.

Rule 321: 40 CFR 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills, is incorporated by reference as of July 1, 2004.

Rule 360: Updates to the federal NSPS regulations at 40 CFR 60 are incorporated by reference as of July 1, 2004.

Rule 370: Updates to the federal NESHAP regulations at 40 CFR 61 and 40 CFR 63 are incorporated by reference as of July 1, 2004.

Updates to the federal list of Hazardous Air Pollutants are incorporated as of November 29, 2004.

Rule 371: Updates to the federal Acid Rain regulations at 40 CFR 72, 74, 75, and 76 are incorporated as of July 1, 2004.

15. Was this rule previously made as an emergency rule?

No.

16. The full text of the rule follows:

REGULATION III - CONTROL OF AIR CONTAMINANTS

RULE 317

HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

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Adopted 04/07/93
Revised 04/07/99
Revised 11/19/03
Revised 03/15/06

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION III - CONTROL OF AIR CONTAMINANTS

**RULE 317
HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

SECTION 100 - GENERAL

- 101 PURPOSE:** To control emissions of air pollutants from Hospital/Medical/Infectious Waste incinerators.
- 102 APPLICABILITY:** A Hospital/Medical/Infectious Waste Incinerator (HMIWI) commenced on or before June 20, 1996, or for which construction commenced on or before June 20, 1996, shall comply with this rule unless it fits any one of the following exceptions:
- 102.1** A combustor is not subject to this rule when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor:
- a.** Notifies the Control Officer of an exemption claim; and
 - b.** Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned.
- 102.2** Any co-fired combustor is not subject to this rule if the owner or operator of the co-fired combustor:
- a.** Notifies the Control Officer of an exemption claim;
 - b.** Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted; and
 - c.** Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.
- 102.3** Any combustor required to have a permit under Title 42, United States Code Section 6925, Section 3005 of the Solid Waste Disposal Act is not subject to this rule.
- 102.4** Any combustor which meets the applicability requirements under 40 C.F.R. 60, Subparts Cb, Ea, or Eb (standards or guidelines for certain municipal waste combustors) is not subject to this rule.
- 102.5** Any pyrolysis unit is not subject to this rule.
- 102.6** Cement kilns firing hospital waste or medical/infectious waste are not subject to this rule.

102.7 Physical or operational changes made to an existing HMIWI unit solely for the purpose of complying with emission guidelines under this rule are not considered a modification and do not result in an existing HMIWI unit becoming subject to the provisions of 40 C.F.R. 60, Subpart Ec.

103 **AVAILABILITY OF INFORMATION:** Copies of 40 C.F.R. 60, Subpart Ec are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or call (602) 506-6010 for information.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:

- 201** **BATCH HMIWI** - An HMIWI that is designed such that neither waste charging nor ash removal can occur during combustion.
- 202** **BIOLOGICALS** - Preparations made from living organisms and their products. This includes vaccines, cultures, etc., intended for use in diagnosing, immunizing, or treating humans or animals or in research pertaining thereto.
- 203** **BLOOD PRODUCTS** - Any product derived from human blood, including, but not limited to, blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.
- 204** **BODY FLUIDS** - Liquid emanating or derived from humans and limited to blood; dialysate; amniotic, cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; and semen and vaginal secretions.
- 205** **BYPASS STACK** - A device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.
- 206** **CHEMOTHERAPEUTIC WASTE** - Waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.
- 207** **CO-FIRED COMBUSTOR** - A unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, 10 percent or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered "other" wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.
- 208** **CONTINUOUS HMIWI** - An HMIWI that is designed to allow waste charging and ash removal during combustion.
- 209** **CREMATORY** - An incinerator used for the cremation of human and animal bodies, their body parts, and for the incineration of associated animal bedding.
- 210** **DIOXINS/FURANS** - The combined emissions of tetra-through octa-chlorinated dibenzo-para-dioxins and dibenzofurans, as measured by EPA Reference Method 23, found in 40 C.F.R. Part 60, Appendix A, and incorporated by reference per Section 301 of this rule.
- 211** **HOSPITAL** - Any facility which has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of

providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.

- 212 HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR OR HMIWI OR HMIWI UNIT -** Any device that combusts any amount of hospital waste or medical/infectious waste.
- 213 HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR OPERATOR OR HMIWI OPERATOR -** Any person who operates, controls or supervises the day-to-day operation of an HMIWI.
- 214 HOSPITAL WASTE -** Discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.
- 215 INFECTIOUS AGENT -** Any organism (such as a virus or bacteria) that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.
- 216 INTERMITTENT HMIWI -** An HMIWI that is designed to allow waste charging, but not ash removal, during combustion.
- 217 LARGE HMIWI:**
- 217.1** Except as provided in 217.2:
- a.** An HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour; or
 - b.** A continuous or intermittent HMIWI whose maximum charge rate is more than 500 pounds per hour; or
 - c.** A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day.
- 217.2** Each of the following is not a large HMIWI:
- a.** A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 500 pounds per hour; or
 - b.** A batch HMIWI whose maximum charge rate is less than or equal to 4,000 pounds per day.
- 218 LOW-LEVEL RADIOACTIVE WASTE -** Waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).
- 219 MAXIMUM CHARGE RATE:**
- a.** For continuous and intermittent HMIWI, 110 percent of the lowest 3-hour average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.
 - b.** For batch HMIWI, 110 percent of the lowest daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.

220 MAXIMUM DESIGN WASTE BURNING CAPACITY:

- a.** For intermittent and continuous HMIWI, $C = P_V \times 15,000/8,500$

Where:

C = HMIWI capacity, lb/hr

P_V = primary chamber volume, ft^3

15,000 = primary chamber heat release rate factor, $\text{Btu}/\text{ft}^3/\text{hr}$

8,500 = standard waste heating value, Btu/lb .

- b.** For batch HMIWI, $C = P_V \times 4.5/8$

Where:

C = HMIWI capacity, lb/hr

P_V = primary chamber volume, ft^3

4.5 = waste density, lb/ft^3

8 = typical hours of operation of a batch HMIWI.

221 MEDICAL/INFECTIOUS WASTE - Any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in ~~subsections~~ Sections 221.1 through 221.7 of this rule. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in 40 C.F.R. Part 261; household waste, as defined in 40 C.F.R. 261.4(b)(1); ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment; cremation; and domestic sewage materials identified in 40 C.F.R. 261.4(a)(1). Medical/infectious waste does include:

- 221.1** Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.
- 221.2** Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.
- 221.3** Human blood and blood products including:
- a.** Liquid waste human blood;
 - b.** Products of blood;
 - c.** Items saturated and/or dripping with human blood; or
 - d.** Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.
- 221.4** Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.

- 221.5** Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.
- 221.6** Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.
- 221.7** Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.
- 222 MEDIUM HMIWI:**
- 222.1** Except as provided in ~~subsection~~ Section 222.2:
- a.** An HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or
 - b.** A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or
 - c.** A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.
- 222.2** The following are not medium HMIWI:
- a.** A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour or more than 500 pounds per hour; or
 - b.** A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day or less than or equal to 1,600 pounds per day.
- 223 PATHOLOGICAL WASTE** - Waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).
- 224 PYROLYSIS** - The endothermic gasification of hospital waste or medical/infectious waste using external energy.
- 225 SHUTDOWN** - The period of time after all waste has been combusted in the primary chamber. For continuous HMIWI, shutdown shall commence no less than 2 hours after the last charge to the incinerator. For intermittent HMIWI, shutdown shall commence no less than 4 hours after the last charge to the incinerator. For batch HMIWI, shutdown shall commence no less than 5 hours after the high-air phase of combustion has been completed.
- 226 SMALL HMIWI:**
- 226.1** Except as provided in ~~subsection~~ Section 226.2:

- a. An HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour; or
- b. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or
- c. A batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.

226.2 The following are not small HMIWI:

- a. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour; or
- b. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day.

SECTION 300 - STANDARDS

301 HMIWI STANDARDS: An existing HMIWI covered by this Section shall comply with 40 C.F.R. 60, ~~subpart~~ Subpart Ec, as modified by this subsection. 40 C.F.R. 60, Subpart Ec “Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996” is incorporated by reference in Rule 360 of the Maricopa County Air Pollution Control Regulations.

302 HMIWI EMISSIONS GUIDELINES: An HMIWI shall comply with the emissions guidelines in Table 1 listed below:

**Table 1
Emission Limits for Small, Medium, and Large HMIWI**

Pollutant	Units (7% oxygen, dry basis)	Emission Limits		
		HMIWI size		
		Small	Medium	Large
Cadmium	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.16 (0.07) or 65%	0.16 (0.07) or 65%	0.16 (0.07) or 65%
Carbon monoxide	Parts per million by volume	40	40	40
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)
Hydrogen chloride	Parts per million by volume or percent reduction	100 or 93%	100 or 93%	100 or 93%
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	1.2 (0.52) or 70%	1.2 (0.52) or 70%	1.2 (0.52) or 70%

Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.55 (0.24) or 85%	0.55 (0.24) or 85%	0.55 (0.24) or 85%
Nitrogen oxides	Parts per million by volume	250	250	250
Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot)	115 (0.05)	69 (0.03)	34 (0.015)
Sulfur dioxide	Parts per million by volume	55	55	55

- 303 OPACITY:** No owner or operator of an HMIWI shall cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than 10 percent opacity (6-minute block average) or darker than 20 percent opacity for an aggregate of more than 30 seconds in any consecutive 60 minutes.
- 304 LARGE HMIWI OPACITY:** A large HMIWI shall comply with the opacity requirements as specified in 40 C.F.R. 60, Section 60.52c (c),(d), and (e).
- 305 NIGHT BURNING:** No person shall operate a medical waste incinerator between sunset and the following sunrise unless a continuous opacity (particulate) recorder is operating at all times when there is any combustion within the incinerator. Such recorder shall be in compliance with ~~subsection~~ Section 501.1 of this rule.
- 306 INCORPORATION BY REFERENCE:** All C.F.R. references as of July 1, ~~2002~~ 2004 that are listed below and in various sections of this rule are adopted by reference. These adoptions by reference include no future editions or amendments. Copies of these C.F.R. references are available at Maricopa County ~~Environmental Services~~ Air Quality Department, 1001 N. Central Ave., Suite ~~201~~ 695, Phoenix, AZ, 85004-1942, ~~602-506-6010~~.
- 40 C.F.R. Part 60, Subpart ~~EE~~ Ec
40 C.F.R. Part 60, Section 60.52g(c), (d), and (e)
40 C.F.R. Part 60, Section ~~60.56(e)~~ 60.56c
40 C.F.R. Part 60, Section 60.57c
40 C.F.R. Part 60, Section 60.58c(b), ~~(c)~~, (d), (e), and (f)
40 C.F.R. Part 60, Appendix A and Appendix B
40 C.F.R. Part 70
- 307 EXEMPTIONS:** HMIWI subject to this Section are not subject to Rule 313.
- 307.1** Any co-fired combustor or combustor that is not subject to this rule is still subject to Rule 313. (See Applicability, ~~subsections~~ Sections 102.2, 102.3 and 102.4 of this Rule 317.)
- 307.2** A crematory whose incinerator burns only human remains is not a HMIWI and is not subject to this rule. It is subject to Rule 313. However, if the incinerator burns 10 percent or less of hospital waste and medical/infectious waste, it is a co-fired combustor subject only to notification and recordkeeping requirements, as specified in ~~subsection~~ Section 102.2 of this rule. If the incinerator burns more than 10 percent hospital waste and medical/infectious waste, it is subject to all of the requirements of this rule.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 COMPLIANCE SCHEDULE:** Beginning either September 15, 2000, or on the effective date of an EPA approved operating permit program under Clean Air Act Title V and the implementing regulations under 40 C.F.R. Part 70 in Arizona, whichever date is later, designated facilities subject to this rule shall operate pursuant to a permit issued under the EPA-approved operating permit program.

SECTION 500 - MONITORING AND RECORDS

- 501 PROVIDING AND MAINTAINING MONITORING DEVICES:** Except as provided in Section 502, all requirements for compliance and performance testing listed in 40 C.F.R. 60.56c shall be required of each HMIWI, excluding the fugitive emissions testing requirements under Sections 60.56c(b)(12) and (c)(3).
- 501.1** Any person subject to Section 304 of this rule shall operate and maintain all of the following continuous data recording systems. All required systems shall be completely and properly operating during all periods of combustion within the incinerator, and each shall include a real-time recording device that creates a clear, legible record at all times of operation.
- 501.2** Opacity of stack emissions or other indicator of particulate matter which is approved by the Control Officer. Pursuant to Section 305 of this rule, any incinerator burning after sunset must be equipped with a continuously recording opacity monitor, regardless of capacity. The opacity monitor shall be located after (downstream of) all control equipment, prior to the stack exit, and prior to any dilution with ambient air. The opacity monitor shall at all times comply with EPA Performance Specification 1 (40 C.F.R., Part 60, Appendix B) and shall be calibrated no less than once each day.
- 502 RECORDKEEPING AND REPORTING:** Each HMIWI shall comply with the requirements listed in 40 C.F.R. 60.58c(b), (c), (d), (e), and (f), excluding 40 C.F.R. 60.58c(b)(2)(ii) (fugitive emissions) and (b)(7) (siting).
- 503 HMIWI MONITORING REQUIREMENTS:** An existing HMIWI shall comply with the monitoring requirements of Section 60.57c of Subpart Ec.

REGULATION III - CONTROL OF AIR CONTAMINANTS

RULE 321

MUNICIPAL SOLID WASTE LANDFILLS

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MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS

REGULATION III - CONTROL OF AIR CONTAMINANTS

RULE 321
MUNICIPAL SOLID WASTE LANDFILLS

SECTION 100 - GENERAL

- 101 PURPOSE:** To limit the emission of nonmethane organic compounds from municipal solid waste landfills.
- 102 APPLICABILITY:** The provisions of this rule shall apply to each municipal solid waste landfill for which construction, reconstruction, or modification commenced prior to May 30, 1991, and which has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.
- 103 AVAILABILITY OF INFORMATION:** Copies of 40 C.F.R. 60, Subpart WWW are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or call (602) ~~506-6700~~ 506-6010 for information.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:

- 201 ADMINISTRATOR** - The Control Officer, except that the Control Officer shall not be empowered to approve alternative or equivalent test methods.
- 202 AFFECTED FACILITY** - Any municipal solid waste landfill to which this rule is applicable.

- 203 COMMENCED** - State or condition where an owner or operator has undertaken a continuous program of construction; or where an owner or operator has entered into a contractual obligation to undertake and complete such a program.
- 204 CONSTRUCTION** - The fabrication, erection, or installation of an affected facility.
- 205 MODIFICATION** - Any physical change in, or change in the method of operation of, an affected facility which would result in a change in actual emissions.
- 206 MUNICIPAL SOLID WASTE LANDFILL (MSW LANDFILL)** - An entire, publicly or privately owned, disposal facility in a contiguous geographical space where household waste is placed in or on land. Portions of a MSW landfill may be separated by access roads.
- 207 NMOC** - Nonmethane organic compound.
- 208 OWNER OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises an affected facility.

SECTION 300 - STANDARDS

- 301 STANDARDS OF PERFORMANCE FOR MSW LANDFILLS:** The federal standards of performance for municipal solid waste landfills set forth in 40 C.F.R. 60, Subpart WWW adopted as of July 1, ~~2002~~ 2004, and all accompanying appendices, excluding 40 C.F.R. 60.750, are adopted and incorporated herein by reference with the amendments and revisions set forth in this section. This adoption by reference includes no future editions or revisions. Each owner or operator of an affected facility shall comply with the requirements of 40 C.F.R. 60, Subpart WWW as adopted and, where applicable, revised herein.
- 301.1 Collection and Control System Design Plan:** 40 C.F.R. 60.752(b)(2)(i) is amended to read: "Submit a collection and control design plan prepared by a professional engineer to the Administrator for approval not later than 12 months after submittal of the initial NMOC emission rate report."
- 301.2 Design Capacity Report:** 40 C.F.R. 60.757(a) is amended to read "Each owner or operator of an affected facility shall submit an initial design capacity report to the Administrator within 90 days from the effective date of this rule." 40 C.F.R. 60.757(a)(1) is deleted.
- 301.3 NMOC Emission Rate Report:** 40 C.F.R. 60.757(b) is amended to read "Each owner or operator of an affected facility shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided for in paragraphs (b)(1)(ii) or (b)(3) of this section. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate." 40 C.F.R. 60.757(b)(1)(i) is amended to read: "The initial NMOC emission rate report shall be submitted within 90 days from the effective date of this rule and may be combined with the initial design capacity report required in paragraph (a) of this section. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in paragraphs (b)(1)(ii) and (b)(3) of this section."
- 302 DELAYED APPLICABILITY:** For an affected facility that first becomes subject to the collection and control system requirement of 40 C.F.R. 60.752 after the effective date of this rule, the design plan shall be due not later than 12 months after submittal or scheduled submittal of an NMOC emission rate report of 50 megagrams (55.12 tons) or more.

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Revised 03/07/01
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Revised 03/15/06

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION III - CONTROL OF AIR CONTAMINANTS

**RULE 360
NEW SOURCE PERFORMANCE STANDARDS**

SECTION 100 - GENERAL

- 101 PURPOSE:** To establish acceptable design and performance criteria for specified new or modified emission sources.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source which contains an affected facility on which the construction, reconstruction, or a modification is commenced after the date of publication of any standard applicable to such facility in the 40 C.F.R. 60. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 AVAILABILITY OF INFORMATION:** Copies of all 40 C.F.R., Part 60 revisions currently enforced by Maricopa County are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or call (602) ~~506-6700~~ 506-6010 for information.
- 104 FEDERAL DELEGATION AUTHORITY:** Maricopa County shall enforce the following enumerated Federal Regulations (Part 60, Title 40 of the Code of Federal Regulations) which have heretofore been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. Maricopa County may in addition enforce such other Federal Regulations (Part 60, Title 40 of the Code of Federal Regulations) delegated to the County for such enforcement from time to time by EPA and which will be enumerated in any revision hereof.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:

- 201 ADMINISTRATOR** - As used in Part 60, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods or alternative standards/work practices, or other nondelegable authorities such as those listed in 40 CFR 60.4(d), except as specifically provided in each subpart.

- 202** **AFFECTED FACILITY** - With reference to a stationary source, any apparatus to which a standard is applicable.
- 203** **COMMENCED** - With respect to the definition of "new source" in Section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction, reconstruction, or modification or that an owner or operator has entered into a contracted obligation to undertake and complete, within a reasonable time, a continuous program of construction, reconstruction or modification.
- 204** **CONSTRUCTION** - The fabrication, erection, or installation of an affected facility.
- 205** **MODIFICATION** - Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any contaminant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air contaminant (to which a standard applies) into the atmosphere not previously emitted.
- 206** **OWNER OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
- 207** **STANDARD** - A standard of performance promulgated under this rule.
- 208** **STATIONARY SOURCE** - Any building, structure, facility, or installation which emits or may emit any air pollutant.

SECTION 300 - STANDARDS

- 301** **ADOPTED FEDERAL STANDARDS:** The federal standards of performance for those subparts of 40 C.F.R. 60 adopted as of July 1, ~~2002~~ 2004, as listed below, and all accompanying appendices are adopted by reference as indicated. This adoption by reference includes no future editions or amendments. Incorporation by reference does not include nondelegable functions of the EPA Administrator.
- 301.1** **SUBPART A - General Provisions;** exclude ~~60.4, 60.5, and 60.6, and~~ any sections dealing with equivalency determinations or innovative technology waivers, as covered in Sections 111(h)(3) and 111(j) respectively of the Clean Air Act
- 301.2** **SUBPART D - Standards of Performance for ~~Fossil-Fuel-Fired~~ Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971**
- 301.3** **SUBPART Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978;** exclude ~~60.45a~~
- 301.4** **SUBPART Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units;** exclude ~~60.44b(f), 60.44b(g), and 60.49b(a)(4)~~
- 301.5** **SUBPART Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units**
- 301.6** **SUBPART E - Standards of Performance for Incinerators**
- 301.7** **SUBPART Ea - Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994**

- 301.8 SUBPART Eb - Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996
- 301.9 SUBPART Ec - Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996
- 301.10 SUBPART F - Standards of Performance for Portland Cement Plants
- 301.11 SUBPART G - Standards of Performance for Nitric Acid Plants
- 301.12 SUBPART H - Standards of Performance for Sulfuric Acid Plants
- 301.13 SUBPART I - Standards of Performance for Asphaltic Concrete Plants
- 301.14 SUBPART J - Standards of Performance for Petroleum Refineries
- 301.15 SUBPART K - Standards of Performance for Storage Vessels ~~of~~ for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
- 301.16 SUBPART Ka - Standards of Performance for Storage Vessels ~~of~~ for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
- 301.17 SUBPART Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 ~~(Including Petroleum Liquid Storage Vessels)~~; exclude 60.111b(f)(4), 60.114b, 60.116b(e)(3)(iii), 60.116b(e)(3)(iv), and 60.116b(f)(2)(iii)
- 301.18 SUBPART L - Standards of Performance for Secondary Lead Smelters
- 301.19 SUBPART M - Standards of Performance for Secondary Brass and Bronze Production Plants
- 301.20 SUBPART N - Standards of Performance for ~~Iron and Steel Plants~~; Primary Emissions from Basic Oxygen Process Furnaces for Which Construction Commenced After June 11, 1973
- 301.21 SUBPART Na - Standards of Performance for ~~Iron and Steel Plants~~; Secondary Emissions from Basic Oxygen Process ~~Furnaces~~ Steelmaking Facilities for Which Construction Commenced After January 20, 1983
- 301.22 SUBPART O - Standards of Performance for Sewage Treatment Plants; exclude 60.153(e)
- 301.23 SUBPART P - Standards of Performance for Primary Copper Smelters
- 301.24 SUBPART Q - Standards of Performance for Primary Zinc Smelters
- 301.25 SUBPART R - Standards of Performance for Primary Lead Smelters

- 301.26 SUBPART S - Standards of Performance for Primary Aluminum Reduction Plants, ~~exclude 60.195(b)~~
- 301.27 SUBPART T - Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
- 301.28 SUBPART U - Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants
- 301.29 SUBPART V - Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants
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- 301.32 SUBPART Y - Standards of Performance for Coal Preparation Plants
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- 301.34 SUBPART AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983
- 301.35 SUBPART AAa - Standards of Performance for Steel Plants: Electric Arc Furnaces and ~~Argon-Oxygen~~ Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983
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- 301.40 SUBPART GG - ~~Standard~~ Standards of Performance for Stationary Gas Turbines, ~~exclude 60.332(a)(3) and 60.335(a)(ii)~~
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- 301.52 SUBPART VV - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; ~~exclude 60.482-1(c)(2) and 60.484~~
- 301.53 SUBPART WW - Standards of Performance for the Beverage Can Surface Coating Industry; ~~exclude 60.495(a)(i) and 60.493(b)(2)(i)(A)~~
- 301.54 SUBPART XX - Standards of Performance for Bulk Gasoline Terminals
- 301.55 SUBPART AAA - Standards of Performance for New Residential Wood Heaters; ~~exclude 60.533, 60.534, 60.535, 60.536(i)(2), 60.537, 60.538(e) and 60.539~~
- 301.56 SUBPART BBB - Standards of Performance for the Rubber Tire Manufacturing ~~Plants~~ Industry; ~~exclude 60.543(e)(2)(ii)(B)~~
- 301.57 SUBPART DDD - Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry; ~~exclude 60.562-2(e)~~
- 301.58 SUBPART FFF - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing
- 301.59 SUBPART GGG - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries; ~~exclude 60.592(e)~~
- 301.60 SUBPART HHH - Standards of Performance for Synthetic Fiber Production Facilities
- 301.61 SUBPART III - Standards of Performance for Volatile Organic Compound (VOC) Emissions ~~from~~ From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes; ~~exclude 60.613(e)~~
- 301.62 SUBPART JJJ - Standards of Performance for Petroleum Dry Cleaners; ~~exclude 60.623~~
- 301.63 SUBPART KKK - Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants

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- 301.69 SUBPART RRR - Standards of Performance for Volatile Organic Compound (VOC) Emissions ~~from~~ From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes; ~~exclude 60.703(e)~~
- 301.70 SUBPART SSS - Standards of Performance for Magnetic Tape Coating Facilities; ~~exclude 60.711(a)(16), 60.713(b)(1)(i), 60.713(b)(1)(ii), 60.713(b)(5)(i), 60.713(d), 60.715(a), and 60.716~~
- 301.71 SUBPART TTT - Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines; ~~exclude 60.723(b)(1), 60.723(b)(2)(i)(C), 60.723(b)(2)(iv), 60.724(e), 60.725(b)~~
- 301.72 SUBPART UUU - Standards of Performance for Calciners And Dryers In Mineral Industries
- 301.73 SUBPART VVV - Standards of Performance for Polymeric Coating of Supporting Substrates Facilities; ~~exclude 60.743(a)(3)(v)(A) and (B), 60.743(e), 60.745(a), and 60.746~~
- 301.74 SUBPART WWW - Standards of Performance for Municipal Solid Waste Landfills
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- ~~301.78 SUBPART DDDD - Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units~~

SECTION 302 - ADDITIONAL REQUIREMENTS

- 302.1** From the general standards identified in Section 301 of this rule, delete 40 CFR 60.4, 60.5, and 60.6. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this Rule shall be submitted to the Maricopa County Air Quality Department, 1001 N Central Avenue, Suite 400, Phoenix, Arizona, 85004.

REGULATION III - CONTROL OF AIR CONTAMINANTS

RULE 370

FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

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Revised 04/06/92

Repealed and Adopted 11/15/93

Revised 11/20/96

Revised 05/14/97

Revised 05/20/98

Revised 08/19/98

Revised 03/01/00

Revised 03/07/01

Revised 11/19/03

Revised 03/15/06

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION III - CONTROL OF AIR CONTAMINANTS

**RULE 370
FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM**

SECTION 100 - GENERAL

- 101 PURPOSE:** To establish emission standards for federally listed hazardous air pollutants.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source for which a standard is prescribed under this rule, and for which federal delegation of the implementation and enforcement of the standards to Maricopa County has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 AVAILABILITY OF INFORMATION:** Copies of all 40 C.F.R., Part 61 and Part 63 revisions currently enforced by Maricopa County are available at 1001 N. Central Avenue, Suite 695, Phoenix, Arizona, 85004, or by calling (602) ~~506-6700~~ 506-6010 for information.
- 104 FEDERAL DELEGATION AUTHORITY:** Maricopa County shall enforce the national emission standards for hazardous air pollutants (40 C.F.R. Part 61 and Part 63 (~~2002 2004~~)) (NESHAPs) listed in Section 300 of this rule which have heretofore been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. Maricopa County may in addition enforce such other NESHAPs as may be delegated by the EPA to the County from time to time.

Arizona Administrative Register / Secretary of State
County Notices Pursuant to A.R.S. § 49-112

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:

- 201** **ADMINISTRATOR** - As used in Parts 61 and 63, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods, alternative standards/work practices, or other nondelegable authorities such as those listed in 40 CFR 61.04(c)(9) and 40 CFR 63.91(g)(2)(i), except as specifically provided in each subpart.
- 202** **AMENDED WATER** - water to which surfactant (wetting agent) has been added to increase the ability of the liquid to penetrate asbestos containing material (ACM).
- ~~201~~ **203** **EXISTING SOURCE** - Any stationary source other than a new source.
- ~~202~~ **204** **FEDERALLY LISTED HAZARDOUS AIR POLLUTANT** - Any air pollutant listed pursuant to Section 112(b) of the Act.
- 205** **GOVERNMENT-ISSUED PHOTO IDENTIFICATION CARD** - includes, but is not limited to, a valid driver's license, a valid nonoperating identification license, a valid tribal enrollment card or tribal identification card, or other valid government issued photo identification, that includes the name, address, and photograph of the card holder.
- ~~203~~ **206** **HAZARDOUS AIR POLLUTANT** - Any air pollutant regulated under Section 112 of the Act, any air pollutant subject to NESHA, or any air pollutant designated by the Director as a hazardous air pollutant pursuant to ARS §49-426.04.
- ~~204~~ **207** **MAJOR SOURCE** - A stationary source or group of stationary sources located within a contiguous area, and under common control, and that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any federally listed hazardous air pollutant or 25 tons per year or more of any combination of federally listed hazardous air pollutants. A lesser quantity or, in the case of radionuclides, a different criteria may be established by the Administrator pursuant to Section 112 of the Act and may be adopted by the Board of Supervisors by rule.
- ~~205~~ ~~**MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT)** - An emission standard that requires the maximum degree of reduction in emissions of federally listed hazardous air pollutants subject to this rule, including a prohibition on such emissions where achievable, that the Control Officer, after considering the cost of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements, determines is achievable by a source to which such standard applies, through application of measures, processes, methods, systems or techniques, including measures which do one or more of the following:~~
- ~~**205.1** - Reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications.~~
- ~~**205.2** - Enclose systems or processes to eliminate emissions.~~
- ~~**205.3** - Collect, capture or treat such pollutants when released from a process, stack, storage or fugitive emissions point.~~
- ~~**205.4** - Are design, equipment, work practice, or operational standards, including requirements for operator training or certification.~~

~~205.5~~ Are a combination of the above.

~~206~~ **208 MODIFICATION** - Any physical change in, or change in the method of operation of, a major source which increases the actual emissions of any federally listed hazardous air pollutant emitted by such source by more than a de minimis amount, or which results in the emission of any federally listed hazardous air pollutant, not previously emitted by more than a de minimis amount.

~~207~~ **209 NESHAP** - National emission standards for hazardous air pollutants pursuant to 40 C.F.R. Part 61 and Part 63 (~~2002~~ 2004).

~~208~~ **210 NEW SOURCE** - A stationary source, the construction or reconstruction of which commences after the Administrator first proposes regulations under Section 112 of the Act establishing an emission standard applicable to such source, and after an applicable rule is adopted by the Board of Supervisors.

~~209~~ **211 STATIONARY SOURCE** - Any building, structure, facility, or installation which emits or may emit any air pollutant.

SECTION 300 - STANDARDS

301 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:
The federally listed hazardous air pollutants as listed in Table I and NESHAPs adopted as of July 1, ~~2002~~ 2004, as listed below and as which can be found at 40 C.F.R. 61.01 through 61.358, and all accompanying appendices, are incorporated herein by reference with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

301.1 SUBPART A - General Provisions; exclude Sections ~~61.04(b), 61.06, 61.12(d)(1), 61.13(h)(1)(ii), 61.14, 61.15~~ and any sections dealing with equivalency determinations that are nontransferable through Section 112(e)(3) of the Act.

301.2 SUBPART C - National Emission Standard for Beryllium.

301.3 SUBPART D - National Emission Standard for Beryllium Rocket Motor Firing.

301.4 SUBPART E - National Emission Standard for Mercury; exclude ~~61.53(c)(4) and 61.55(d).~~

301.5 SUBPART F - National Emission Standard for Vinyl Chloride; exclude ~~61.66.~~

301.6 SUBPART J - National Emission Standard for Benzene Fugitive Emissions Sources/Equipment Leaks (Fugitive Emission Sources) of Benzene; exclude ~~61.112(e).~~

301.7 SUBPART L - National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants; exclude ~~61.136(d).~~

301.8 SUBPART M - National Emission Standard for Asbestos; exclude ~~61.149(c)(2), 61.150(a)(4), 61.151(e)(2), 61.152(b)(3), 61.153(e), 61.154(b)(2), 61.154(d), 61.155(a), and 61.156(d).~~

- a. Each owner or operator of a demolition activity or renovation activity involving a facility as defined in 40 C.F.R. 61, Subpart M shall:

- (1) Fully comply with all requirements of 40 C.F.R. 61, Subpart M.
 - (2) Provide the Control Officer with written notification ~~in the manner described in 40-C.F.R. 61.145~~ of intention to demolish or to renovate in the manner described in 40 CFR 61.145.
 - (3) Update all notifications in accordance with 40 CFR 61.145(b). For renovations described in 40 CFR 61.145(a)(4)(iii), notifications shall expire every December 31, with new notices required at least 10 working days before the end of the calendar year preceding the year for which notice is being given. All other notifications shall expire one year from either the original postmark date, commercial delivery date or date of hand delivery to the Control Officer. For a demolition activity or renovation activity that continues beyond the expiration date, the owner or operator of the demolition or renovation activity shall notify the Control Officer in accordance with 40 CFR 61.145(b) at least 10 working days prior to the expiration of the original notice and pay all applicable fees prescribed by Rule 280 of these rules.
 - ~~(3)(4)~~ Inspect Thoroughly inspect the facility within 12 months of commencement of demolition or renovation activity. Include the date of this inspection on the written notification.
 - ~~(4)(5)~~ Pay all applicable fees prescribed by Rule 280 of these rules.
- b. In addition, each owner or operator of a demolition activity or renovation activity shall comply with the following requirements:
- (1) Certification, training, and record keeping requirements:
 - (a) All facilities scheduled for demolition or renovation shall be inspected by a currently certified Asbestos Hazard Emergency Response Act (AHERA) accredited asbestos building inspector (herein referenced as inspector), as required by either AHERA or the Asbestos School Hazard Abatement Reauthorization Act (ASHARA).
 - (b) Each owner and operator of a facility shall maintain a copy of any reports of inspections made for a facility for two years, including laboratory test results of samples collected, ~~and shall submit a statement to the Control Officer verifying that the facility was inspected and verifying whether or not asbestos-containing material (ACM) was found. A copy of the inspection reports and laboratory test results shall be on-site and available for inspection at the facility, upon request of the Department, during asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling.~~
 - (c) All asbestos workers shall ~~be maintain current AHERA trained, worker certification, and an~~ All asbestos contractor/supervisors shall maintain current AHERA/ASHARA trained asbestos contractor/supervisor contractor/supervisor certification and shall be on-site at all times during any active asbestos abatement work at or above NESHAP threshold amounts. A legible copy of all asbestos workers and contractor/supervisor's current training certificates from an EPA accredited training provider shall be available for inspection at all times at the demolition or renovation site.
 - ~~(d)~~ All asbestos workers and contractor/supervisors shall have color photo identification on-site and available for inspection, upon request of the Department, at all times during asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling. The color photo identification shall be from an EPA accredited training provider verifying the certification requirements in section (b)(1)(c), or a current government-issued photo identification card.
 - (2) Asbestos renovation and demolition standards:

- (a) A facility owner or operator shall not create visible dust emissions when removing or transporting to the disposal site Category I nonfriable asbestos containing material (ACM) and Category II nonfriable ACM that remain nonfriable Category I ACM and nonfriable Category II ACM shall be removed so as not to create visible dust emissions during removal and transport to the disposal site.
- (b) Inspection viewing devices at facilities are required at all asbestos renovation and abatement projects where regulated ACM asbestos containing material (RACM) is being abated, except for roofing projects involving Category I nonfriable ACM and Category II nonfriable ACM exclusively. Viewing devices shall be so designed as to allow an inspector to view the facility from the outside, either through ports or by video monitoring.
- (c) All exposed RACM subject to cutting or dismantling operations and all RACM being removed from a facility or a facility component shall be kept adequately wet by using amended water to control the release of asbestos fibers, except as exempted under 40 CFR 61.145(c)(3)(i)(A), 40 CFR 61.145(c)(3)(ii) and/or 40 CFR 61.145(c)(7)(i). To claim these exemptions, the owner or operator shall follow the requirements of 40 CFR 61.145(c)(3)(i)(B), 40 CFR 61.145(c)(3)(iii) and/or 61.145(c)(7)(ii) and (iii). The use of amended water will not be required in the case of an ordered demolition, as defined in 40 CFR 61.145(a)(3), where the debris is suspected to contain or is known to contain ACM, however ordered demolitions are subject to 40 CFR 61.145(c)(9).
- (e)(d) The friable portion of regulated ACM shall be kept adequately wet and All RACM shall be contained in transparent, leak-tight wrapping or 6 mil poly bags and shall remain adequately wet to prevent dust emissions during removal, transport, storage, and proper landfill disposal following local, county, state, and federal regulations. Affix a visible and legible label to each Each individual wrapping or bag shall be labeled with the name of the site owner or operator and the name and address of the location that generated the ACM RACM.

- 301.9 **SUBPART N - National Emission Standard for Inorganic Arsenic Emissions ~~from~~ From Glass Manufacturing Plants;** ~~exclude 61.164(a)(2) and 61.164(a)(3).~~
- 301.10 **SUBPART O - National Emission Standard for Inorganic Arsenic Emissions ~~from~~ From Primary Copper Smelters;** ~~exclude 61.172(b)(2)(ii)(B), 61.172(b)(2)(ii)(C), 61.174(a)(2), and 61.174(a)(3).~~
- 301.11 **SUBPART P - National Emission Standard for Inorganic Arsenic Emissions ~~from~~ From Arsenic Trioxide and Metallic Arsenic Production Facilities.**
- 301.12 **SUBPART V - National Emission Standard for ~~Volatile Hazardous Air Pollutants - Fugitive Emissions~~ Equipment Leaks (Fugitive Emission Sources);** ~~exclude 61.242-1(e)(2) and 61.244.~~
- 301.13 **SUBPART Y - National Emission Standard for Benzene Emissions From Benzene Storage Vessels;** ~~exclude 61.273.~~
- 301.14 **SUBPART BB - National Emission Standard for Benzene Emissions From Benzene Transfer Operations.**

- 301.15 Subpart FF - National Emission ~~Standards~~ Standard for Benzene Waste Operations; ~~exclude 61.353.~~
- 302 **STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES:** The federally listed hazardous air pollutants as listed in Table I and NESHAPs adopted as of July 1, ~~2002~~ 2004, or the specific date provided below, as listed below and as which can be found at 40 C.F.R. 63, and all accompanying appendices, are incorporated herein by reference with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.
- 302.1 SUBPART A - General Provisions
- 302.2 SUBPART B - Requirements for Control Technology Determinations for Major Sources in Accordance ~~with~~ With Clean Air Act Sections, Sections 112(g) and 112(j)
- ~~302.3~~ 302.3 SUBPART C - List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List, includes amendments adopted as of November 29, 2004
- ~~302.3~~ 302.4 SUBPART D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants
- ~~302.4~~ 302.5 SUBPART F - National Emission Standards for Organic Hazardous Air Pollutants ~~from~~ From the Synthetic Organic Chemical Manufacturing Industry
- ~~302.5~~ 302.6 SUBPART G - National Emission Standards for Organic Hazardous Air Pollutants ~~from~~ From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
- ~~302.6~~ 302.7 SUBPART H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks; ~~exclude 63.177~~
- ~~302.7~~ 302.8 SUBPART I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
- ~~302.9~~ 302.9 SUBPART J - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
- ~~302.8~~ 302.10 SUBPART L - National Emission Standards for Coke Oven Batteries; ~~exclude 63.302(d); 63.304(b)(6); 63.305(b), (d), and (e); 63.307(d)~~
- ~~302.9~~ 302.11 SUBPART M - National Perchloroethylene Air Emission Standards ~~for Perchloroethylene~~ for Dry Cleaning Facilities
- ~~302.10~~ 302.12 SUBPART N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
- ~~302.11~~ 302.13 SUBPART O - ~~National Emission Standards for~~ Ethylene Oxide Emissions Standards for Sterilization Facilities

- ~~302.12~~ 302.14 SUBPART Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers
- ~~302.13~~ 302.15 SUBPART R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations); ~~exclude 63.426, 63.427(a)(5)~~
- ~~302.14~~ 302.16 SUBPART S – National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
- ~~302.15~~ 302.17 SUBPART T - National Emission Standards for Halogenated Solvent Cleaning
- ~~302.16~~ 302.18 SUBPART U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
- ~~302.17~~ 302.19 SUBPART W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production
- ~~302.18~~ 302.20 SUBPART X - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
- ~~302.19~~ 302.21 SUBPART AA – National Emission Standards for Hazardous Air Pollutants ~~from~~ From Phosphoric Acid Manufacturing Plants
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- ~~302.22~~ 302.24 SUBPART DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
- ~~302.23~~ 302.25 SUBPART EE - National Emission Standards for Magnetic Tape Manufacturing Operations
- ~~302.24~~ 302.26 SUBPART GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities
- ~~302.25~~ 302.27 SUBPART HH - National Emission Standards for Hazardous Air Pollutants ~~from~~ From Oil and Natural Gas Production Facilities_
- ~~302.26~~ 302.28 SUBPART JJ - National Emission Standards for Wood Furniture Manufacturing Operations
- ~~302.27~~ 302.29 SUBPART KK - National Emission Standards for the Printing and Publishing Industry; ~~exclude 63.827(b), 63.827(e)~~
- ~~302.28~~ 302.30 SUBPART MM – National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills

~~302.29~~ 302.31 SUBPART OO - National Emission Standards for Tanks - Level 1

~~302.30~~ 302.32 SUBPART PP - National Emission Standards for Containers

~~302.31~~ 302.33 SUBPART QQ - National Emission Standards for Surface Impoundments

~~302.32~~ 302.34 SUBPART RR - National Emission Standards for Individual Drain Systems

~~302.33~~ 302.35 SUBPART SS – National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process

~~302.34~~ 302.36 SUBPART TT – National Emission Standards for Equipment Leaks – Control Level 1

~~302.35~~ 302.37 SUBPART UU – National Emission Standards for Equipment Leaks – Control Level 2 Standards

~~302.36~~ 302.38 SUBPART VV - National Emission Standards for Oil-Water Separators and Organic-Water Separators

~~302.37~~ 302.39 SUBPART WW – National Emission Standards for Storage Vessels (Tanks) – Control Level 2

302.40 SUBPART XX - National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations

~~302.38~~ 302.41 SUBPART YY - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards

~~302.39~~ 302.42 SUBPART CCC - National Emission Standards for Hazardous Air Pollutants for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants

~~302.40~~ 302.43 SUBPART DDD - National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production

~~302.41~~ 302.44 SUBPART EEE - National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors

~~302.42~~ 302.45 SUBPART GGG - National Emission Standards for Pharmaceuticals Production

~~302.43~~ 302.46 SUBPART HHH - National Emission Standards for Hazardous Air Pollutants ~~from~~ From Natural Gas Transmission and Storage Facilities

~~302.44~~ 302.47 SUBPART III - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production

~~302.45~~ 302.48 SUBPART JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

~~302.46~~ 302.49 SUBPART LLL - National Emission Standards for Hazardous Air Pollutants ~~from~~ From the Portland Cement Manufacturing Industry

~~302.47~~ 302.50 SUBPART MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production

~~302.48~~ 302.51 SUBPART NNN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing

~~302.49~~ 302.52 SUBPART OOO – National Emission Standards for Hazardous Air ~~Pollutants from the~~ Pollutant Emissions: Manufacture of Amino/Phenolic Resins.

~~302.50~~ 302.53 SUBPART PPP - National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production

302.54 SUBPART OOO - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting

~~302.51~~ 302.55 SUBPART RRR – National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production

~~302.52~~ 302.56 SUBPART TTT - National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting

~~302.53~~ 302.57 SUBPART UUU – National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units

~~302.54~~ 302.58 SUBPART VVV – National Emission Standards for Hazardous Air Pollutants; ~~for~~ Publicly Owned Treatment Works

~~302.55~~ 302.59 SUBPART XXX - National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese

~~302.56~~ 302.60 SUBPART AAAA – National Emission Standards for Hazardous Air Pollutants; ~~for~~ Municipal Solid Waste Landfills

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302.62 SUBPART EEEE - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)

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~~302.58~~ 302.64 SUBPART GGGG – National Emission Standards for Hazardous Air Pollutants; ~~for~~ Solvent Extraction for Vegetable Oil Production

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- 302.66 SUBPART IIII - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks
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- 302.71 SUBPART OOOO - National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles
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- 302.81 SUBPART YYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines
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- 302.83 SUBPART AAAAA - National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants
- 302.84 SUBPART BBBBB - National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing
- 302.85 SUBPART CCCCC - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks
- 302.86 SUBPART EEEEE - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries
- 302.87 SUBPART FFFFF - National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities
- 302.88 SUBPART GGGGG - National Emission Standards for Hazardous Air Pollutants: Site Remediation
- 302.89 SUBPART HHHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing
- 302.90 SUBPART IIIII - National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants
- 302.91 SUBPART JJJJJ - National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing
- 302.92 SUBPART KKKKK - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing
- 302.93 SUBPART LLLLL - National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing
- 302.94 SUBPART MMMMM - National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations
- 302.95 SUBPART NNNNN - National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production
- 302.96 SUBPART PPPPP - National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands
- 302.97 SUBPART QOOOO - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities
- 302.98 SUBPART RRRRR - National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing
- 302.99 SUBPART SSSSS - National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing

302.100 SUBPART TTTTT - National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining

303 ADDITIONAL REQUIREMENTS:

- 303.1** From the general standards identified in Section 301 of this rule, delete 40 C.F.R. 61.04. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this Rule shall be submitted to the Maricopa County Air Quality Department, 1001 North Central Avenue, Suite 400, Phoenix, Arizona, 85004.
- ~~303.2~~** ~~When the Administrator adopts and makes effective emission standards pursuant to Section 112(d) or 112(f) of the Act, the Control Officer may enforce those standards as prescribed by the Administrator.~~
- ~~303.3~~ 303.2** Where the Act has established provisions, including specific schedules, for the regulation of source categories pursuant to Section 112(e)(5) and 112(n) of the Act, the Control Officer may enforce those provisions.
- ~~303.4~~ 303.3** For any category or subcategory of sources licensed by the U.S. Nuclear Regulatory Commission, the Board of Supervisors shall not adopt and the Control Officer shall not enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the Administrator pursuant to Section 112 of the Act.
- ~~303.5~~ 303.4** If the Administrator finds by rule that regulation is not appropriate or necessary or that alternative control strategies should be applied, the Control Officer shall administer and enforce this rule based on the Administrator's findings.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS, SECTIONS 112(g) AND 112(j): 40 C.F.R. 63.40-44 and 40 C.F.R. 63.50-56 are adopted by reference.**
- 402 COMPLIANCE EXTENSIONS FOR EARLY REDUCTION OF FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS: 40 C.F.R. 63.70-81 and Table I are adopted by reference.**

TABLE I

FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS

A. All of the following are federally listed hazardous air pollutants:

<u>CAS No.</u>	<u>Chemical Name</u>
75-07-0	Acetaldehyde
60-35-5	Acetamide
75-05-8	Acetonitrile
98-86-2	Acetophenone
53-96-3	2-Acetylaminofluorene

107-02-8	Acrolein
79-06-1	Acrylamide
79-10-7	Acrylic acid
107-13-1	Acrylonitrile
107-05-1	Allyl chloride
92-67-1	4-Aminobiphenyl
62-53-3	Aniline
90-04-0	o-Anisidine
1332-21-4	Asbestos
71-43-2	Benzene (including benzene from gasoline)
92-87-5	Benzidine
98-07-7	Benzotrichloride
100-44-7	Benzyl chloride
92-52-4	Biphenyl
117-81-7	Bis(2-ethylhexyl)phthalate (DEHP)
542-88-1	Bis(chloromethyl)ether
75-25-2	Bromoform
106-99-0	1,3-Butadiene
156-62-7	Calcium cyanamide
105-60-2	Caprolactam
133-06-2	Captan
63-25-2	Carbaryl
75-15-0	Carbon disulfide
56-23-5	Carbon tetrachloride
463-58-1	Carbonyl sulfide
120-80-9	Catechol
133-90-4	Chloramben
57-74-9	Chlordane
7782-50-5	Chlorine
79-11-8	Chloroacetic acid
532-27-4	2-Chloroacetophenone
108-90-7	Chlorobenzene
510-15-6	Chlorobenzilate
67-66-3	Chloroform
107-30-2	Chloromethyl methyl ether
126-99-8	Chloroprene
1319-77-3	Cresols/Cresylic acid (isomers and mixture)
95-48-7	o-Cresol
108-39-4	m-Cresol
106-44-5	p-Cresol
98-82-8	Cumene
94-75-7	2,4-D, salts and esters
3547-04-4	DDE
334-88-3	Diazomethane
132-64-9	Dibenzofurans
96-12-8	1,2-Dibromo-3-chloropropane
84-74-2	Dibutylphthalate
106-46-7	1,4-Dichlorobenzene(p)
91-94-1	3,3-Dichlorobenzidene
111-44-4	Dichloroethyl ether (Bis(2-chloroethyl)ether)

542-75-6	1,3-Dichloropropene
62-73-7	Dichlorvos
111-42-2	Diethanolamine
121-69-7	N,N-Diethyl aniline (N,N-Dimethylaniline)
64-67-5	Diethyl sulfate
119-90-4	3,3-Dimethoxybenzidine
60-11-7	Dimethyl aminoazobenzene
119-93-7	3,3-Dimethyl benzidine
79-44-7	Dimethyl carbamoyl chloride
68-12-2	Dimethyl formamide
57-14-7	1,1-Dimethyl hydrazine
131-11-3	Dimethyl phthalate
77-78-1	Dimethyl sulfate
534-52-1	4,6-Dinitro-o-cresol, and salts
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
123-91-1	1,4-Dioxane (1,4-Diethyleneoxide)
122-66-7	1,2-Diphenylhydrazine
106-89-8	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106-88-7	1,2-Epoxybutane
140-88-5	Ethyl acrylate
100-41-4	Ethyl benzene
51-79-6	Ethyl carbamate (Urethane)
75-00-3	Ethyl chloride (Chloroethane)
106-93-4	Ethylene dibromide (Dibromoethane)
107-06-2	Ethylene dichloride (1,2-Dichloroethane)
107-21-1	Ethylene glycol
151-56-4	Ethylene imine (Aziridine)
75-21-8	Ethylene oxide
96-45-7	Ethylene thiourea
75-34-3	Ethylidene dichloride (1,1-Dichloroethane)
50-00-0	Formaldehyde
76-44-8	Heptachlor
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
822-06-0	Hexamethylene-1,6-diisocyanate
680-31-9	Hexamethylphosphoramide
110-54-3	n-Hexane
302-01-2	Hydrazine
7647-01-0	Hydrochloric acid
7664-39-3	Hydrogen fluoride (Hydrofluoric acid)
123-31-9	Hydroquinone
78-59-1	Isophorone
58-89-9	Lindane (all isomers)
108-31-6	Maleic anhydride
67-56-1	Methanol
72-43-5	Methoxychlor
74-83-9	Methyl bromide (Bromomethane)

74-87-3	Methyl chloride (Chloromethane)
71-55-6	Methyl chloroform (1,1,1-Trichloroethane)
78-93-3	Methyl ethyl ketone (2-Butanone)
60-34-4	Methyl hydrazine
74-88-4	Methyl iodide (Iodomethane)
108-10-1	Methyl isobutyl ketone (Hexone)
624-83-9	Methyl isocyanate
80-62-6	Methyl methacrylate
1634-04-4	Methyl tert butyl ether
101-14-4	4,4-Methylene bis(2-chloroaniline)
75-09-2	Methylene chloride (Dichloromethane)
101-68-8	Methylene diphenyl diisocyanate (MDI)
101-77-9	4,4-Methylenedianiline
91-20-3	Naphthalene
98-95-3	Nitrobenzene
92-93-3	4-Nitrobiphenyl
100-02-7	4-Nitrophenol
79-46-9	2-Nitropropane
684-93-5	N-Nitroso-N-methylurea
62-75-9	N-Nitrosodimethylamine
59-89-2	N-Nitrosomorpholine
56-38-2	Parathion
82-68-8	Pentachloronitrobenzene (Quintobenzene)
87-86-5	Pentachlorophenol
108-95-2	Phenol
106-50-3	p-Phenylenediamine
75-44-5	Phosgene
7803-51-2	Phosphine
7723-14-0	Phosphorus
85-44-9	Phthalic anhydride
1336-36-3	Polychlorinated biphenyls (Aroclors)
1120-71-4	1,3-Propane sultone
57-57-8	beta-Propiolactone
123-38-6	Propionaldehyde
114-26-1	Propoxur (Baygon)
78-87-5	Propylene dichloride (1,2-Dichloropropane)
75-56-9	Propylene oxide
75-55-8	1,2-Propylenimine(2-Methyl aziridine)
91-22-5	Quinoline
106-51-4	Quinone
100-42-5	Styrene
96-09-3	Styrene oxide
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethylene (Perchloroethylene)
7550-45-0	Titanium tetrachloride
108-88-3	Toluene
95-80-7	2,4-Toluene diamine
584-84-9	2,4-Toluene diisocyanate
95-53-4	o-Toluidine

8001-35-2	Toxaphene (chlorinated camphene)
120-82-1	1,2,4-Trichlorobenzene
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethylene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
121-44-8	Triethylamine
1582-09-8	Trifluralin
540-84-1	2,2,4-Trimethylpentane
108-05-4	Vinyl acetate
593-60-2	Vinyl bromide
75-01-4	Vinyl chloride
75-35-4	Vinylidene chloride (1,1-Dichloroethylene)
1330-20-7	Xylenes (isomers and mixture)
95-47-6	o-Xylenes
108-38-3	m-Xylenes
106-42-3	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds ^[1]
0	Glycol ethers ^[2]
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers ^[3]
0	Nickel Compounds
0	Polycyclic Organic Matter ^[4]
0	Radionuclides (including radon) ^[5]
0	Selenium Compounds

B. The following applies for all listings above which contain the word "compounds" or are glycol ethers: unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

^[1] X'CN where X = H' or any other group where a formal dissociation may occur (e.g. KCN or Ca(CN)₂).

^[2] a. Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n-OR' where:

n = 1, 2, or 3;

~~R = alkyl or aryl groups;~~

~~R' = R, H, or groups which, when removed, yield glycol ethers with the structure: R-(OCH₂CH₂)_n-OH.~~

~~Polymers are excluded from the glycol category.~~

R = alkyl C7 or less; or

R = phenyl or alkyl substituted phenyl;

R' = H or alkyl C7 or less; or

OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.

b. Glycol ethers does not include ethylene glycol monobutyl ether (EGBE, 2-Butoxyethanol) (CAS No. 111-76-2).

- [3] Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter one micrometer or less.
- [4] Includes organic compounds which have more than one benzene ring and which have a boiling point greater than or equal to 212°F (100°C). (Limited to, or refers to, products from incomplete combustion of organic compounds and pyrolysis processes.)
- [5] A type of atom which spontaneously undergoes radioactive decay.

REGULATION III - CONTROL OF AIR CONTAMINANTS

RULE 371

ACID RAIN

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Revised 11/19/03
Revised 03/15/06

MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS

REGULATION III - CONTROL OF AIR CONTAMINANTS

RULE 371
ACID RAIN

SECTION 100 - GENERAL

- 101 PURPOSE:** To incorporate by reference the Acid Rain federal regulations in order to obtain delegated authority to enforce portions of the Clean Air Act Amendments of 1990 (CAAA).
- 102 APPLICABILITY:** This rule applies to those affected units as described in 40 Code Of Federal Regulations (C.F.R.) 72.6 which has been adopted by reference.
- 103 SEVERABILITY:** If the provisions or requirements of the regulations incorporated pursuant to this rule conflict with any of the remaining portions of these rules, the regulations incorporated pursuant to this rule shall apply and shall take precedence.
- 104 AVAILABILITY OF INFORMATION:** Copies of 40 C.F.R. Part 72 (Permits Regulation), 40 C.F.R. Part 74 (Sulfur Dioxide Opt-Ins), 40 C.F.R. Part 75 (Continuous Emission Monitoring), and 40 C.F.R. 76 (Acid Rain Nitrogen Oxides Emission Reduction Program) and all accompanying appendices, adopted as of July 1, ~~2002~~ 2004, (and no future additions) incorporated by reference currently enforced by Maricopa County are available at 1001 North Central Avenue, Suite ~~204~~ 695, Phoenix, Arizona 85004, or call ~~602-506-6700~~ (602) 506-6010 for information.

SECTION 300 - STANDARDS

- 301 INCORPORATED SUBPARTS OF THE FEDERAL ACID RAIN REGULATIONS:** 40 C.F.R. Parts 72, 74, 75 and 76 and all accompanying appendices, adopted as of July 1, ~~2002~~ 2004, (and no future additions) are incorporated by reference.
- 302 FEDERAL REGULATORY REVISIONS:** The Maricopa County Board of Supervisors shall take action following promulgation by the Environmental Protection Agency (EPA) of regulations implementing Section 407 and Section 410 of the Clean Air Act (CAA), or revising either Part 72, 74, 75, and/or 76 of the regulations implementing Section 407 or Section 410 of the CAA, to either incorporate such new or revised provisions by reference or to submit, for EPA approval, Maricopa County regulations implementing these provisions.